

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 1

Senator LaRose

Cosponsors: Senators Gardner, Hoagland, Bacon, Hottinger, Beagle, Oelslager, Yuko, Hite, Eklund, Manning, Burke, Terhar, Hackett, O'Brien, Balderson, Huffman, Kunze, Lehner, Obhof, Peterson, Uecker, Wilson Representatives Manning, Rezabek, Butler, Lang

A BILL

To amend sections 2925.01, 2925.02, 2925.03, 1
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2
2929.01, 2929.13, 2929.14, 2941.1410, 3719.41, 3
3719.99, and 4729.99 of the Revised Code to 4
increase penalties for drug trafficking 5
violations, drug possession violations, and 6
aggravated funding of drug trafficking when the 7
drug involved in the offense is a fentanyl- 8
related compound, except for drug possession 9
violations when the fentanyl-related compound is 10
combined with marihuana or a Schedule III, IV, 11
or V controlled substance and the offender did 12
not know of the fentanyl content; to revise the 13
manner of determining sentence for certain 14
violations of the offense of permitting drug 15
abuse; and to add lisdexamfetamine to the list 16
of schedule II controlled substances. 17

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2925.01, 2925.02, 2925.03, 18
2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 2929.13, 19
2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of the Revised 20
Code be amended to read as follows: 21

Sec. 2925.01. As used in this chapter: 22

(A) "Administer," "controlled substance," "controlled 23
substance analog," "dispense," "distribute," "hypodermic," 24
"manufacturer," "official written order," "person," 25
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 26
"schedule III," "schedule IV," "schedule V," and "wholesaler" 27
have the same meanings as in section 3719.01 of the Revised 28
Code. 29

(B) "Drug dependent person" and "drug of abuse" have the 30
same meanings as in section 3719.011 of the Revised Code. 31

(C) "Drug," "dangerous drug," "licensed health 32
professional authorized to prescribe drugs," and "prescription" 33
have the same meanings as in section 4729.01 of the Revised 34
Code. 35

(D) "Bulk amount" of a controlled substance means any of 36
the following: 37

(1) For any compound, mixture, preparation, or substance 38
included in schedule I, schedule II, or schedule III, with the 39
exception of any controlled substance~~analog~~ analog, marihuana, 40
cocaine, L.S.D., heroin, any fentanyl-related compound, and 41
hashish and except as provided in division (D) (2) ~~or~~, (5), or 42
(6) of this section, whichever of the following is applicable: 43

(a) An amount equal to or exceeding ten grams or twenty- 44
five unit doses of a compound, mixture, preparation, or 45
substance that is or contains any amount of a schedule I opiate 46

or opium derivative;	47
(b) An amount equal to or exceeding ten grams of a	48
compound, mixture, preparation, or substance that is or contains	49
any amount of raw or gum opium;	50
(c) An amount equal to or exceeding thirty grams or ten	51
unit doses of a compound, mixture, preparation, or substance	52
that is or contains any amount of a schedule I hallucinogen	53
other than tetrahydrocannabinol or lysergic acid amide, or a	54
schedule I stimulant or depressant;	55
(d) An amount equal to or exceeding twenty grams or five	56
times the maximum daily dose in the usual dose range specified	57
in a standard pharmaceutical reference manual of a compound,	58
mixture, preparation, or substance that is or contains any	59
amount of a schedule II opiate or opium derivative;	60
(e) An amount equal to or exceeding five grams or ten unit	61
doses of a compound, mixture, preparation, or substance that is	62
or contains any amount of phencyclidine;	63
(f) An amount equal to or exceeding one hundred twenty	64
grams or thirty times the maximum daily dose in the usual dose	65
range specified in a standard pharmaceutical reference manual of	66
a compound, mixture, preparation, or substance that is or	67
contains any amount of a schedule II stimulant that is in a	68
final dosage form manufactured by a person authorized by the	69
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21	70
U.S.C.A. 301, as amended, and the federal drug abuse control	71
laws, as defined in section 3719.01 of the Revised Code, that is	72
or contains any amount of a schedule II depressant substance or	73
a schedule II hallucinogenic substance;	74
(g) An amount equal to or exceeding three grams of a	75

compound, mixture, preparation, or substance that is or contains 76
any amount of a schedule II stimulant, or any of its salts or 77
isomers, that is not in a final dosage form manufactured by a 78
person authorized by the Federal Food, Drug, and Cosmetic Act 79
and the federal drug abuse control laws. 80

(2) An amount equal to or exceeding one hundred twenty 81
grams or thirty times the maximum daily dose in the usual dose 82
range specified in a standard pharmaceutical reference manual of 83
a compound, mixture, preparation, or substance that is or 84
contains any amount of a schedule III or IV substance other than 85
an anabolic steroid or a schedule III opiate or opium 86
derivative; 87

(3) An amount equal to or exceeding twenty grams or five 88
times the maximum daily dose in the usual dose range specified 89
in a standard pharmaceutical reference manual of a compound, 90
mixture, preparation, or substance that is or contains any 91
amount of a schedule III opiate or opium derivative; 92

(4) An amount equal to or exceeding two hundred fifty 93
milliliters or two hundred fifty grams of a compound, mixture, 94
preparation, or substance that is or contains any amount of a 95
schedule V substance; 96

(5) An amount equal to or exceeding two hundred solid 97
dosage units, sixteen grams, or sixteen milliliters of a 98
compound, mixture, preparation, or substance that is or contains 99
any amount of a schedule III anabolic steroid; 100

(6) For any compound, mixture, preparation, or substance 101
that is a combination of a fentanyl-related compound and any 102
other compound, mixture, preparation, or substance included in 103
schedule III, schedule IV, or schedule V, if the defendant 104

establishes by a preponderance of the evidence the affirmative 105
defense described in division (F) (2) of section 2925.11 of the 106
Revised Code, the bulk amount of the controlled substance for 107
purposes of a violation of section 2925.11 of the Revised Code 108
is the amount specified in division (D) (1), (2), (3), (4), or 109
(5) of this section for the other schedule III, IV, or V 110
controlled substance that is combined with the fentanyl-related 111
compound. 112

(E) "Unit dose" means an amount or unit of a compound, 113
mixture, or preparation containing a controlled substance that 114
is separately identifiable and in a form that indicates that it 115
is the amount or unit by which the controlled substance is 116
separately administered to or taken by an individual. 117

(F) "Cultivate" includes planting, watering, fertilizing, 118
or tilling. 119

(G) "Drug abuse offense" means any of the following: 120

(1) A violation of division (A) of section 2913.02 that 121
constitutes theft of drugs, or a violation of section 2925.02, 122
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 123
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 124
or 2925.37 of the Revised Code; 125

(2) A violation of an existing or former law of this or 126
any other state or of the United States that is substantially 127
equivalent to any section listed in division (G) (1) of this 128
section; 129

(3) An offense under an existing or former law of this or 130
any other state, or of the United States, of which planting, 131
cultivating, harvesting, processing, making, manufacturing, 132
producing, shipping, transporting, delivering, acquiring, 133

possessing, storing, distributing, dispensing, selling, inducing 134
another to use, administering to another, using, or otherwise 135
dealing with a controlled substance is an element; 136

(4) A conspiracy to commit, attempt to commit, or 137
complicity in committing or attempting to commit any offense 138
under division (G) (1), (2), or (3) of this section. 139

(H) "Felony drug abuse offense" means any drug abuse 140
offense that would constitute a felony under the laws of this 141
state, any other state, or the United States. 142

(I) "Harmful intoxicant" does not include beer or 143
intoxicating liquor but means any of the following: 144

(1) Any compound, mixture, preparation, or substance the 145
gas, fumes, or vapor of which when inhaled can induce 146
intoxication, excitement, giddiness, irrational behavior, 147
depression, stupefaction, paralysis, unconsciousness, 148
asphyxiation, or other harmful physiological effects, and 149
includes, but is not limited to, any of the following: 150

(a) Any volatile organic solvent, plastic cement, model 151
cement, fingernail polish remover, lacquer thinner, cleaning 152
fluid, gasoline, or other preparation containing a volatile 153
organic solvent; 154

(b) Any aerosol propellant; 155

(c) Any fluorocarbon refrigerant; 156

(d) Any anesthetic gas. 157

(2) Gamma Butyrolactone; 158

(3) 1,4 Butanediol. 159

(J) "Manufacture" means to plant, cultivate, harvest, 160

process, make, prepare, or otherwise engage in any part of the 161
production of a drug, by propagation, extraction, chemical 162
synthesis, or compounding, or any combination of the same, and 163
includes packaging, repackaging, labeling, and other activities 164
incident to production. 165

(K) "Possess" or "possession" means having control over a 166
thing or substance, but may not be inferred solely from mere 167
access to the thing or substance through ownership or occupation 168
of the premises upon which the thing or substance is found. 169

(L) "Sample drug" means a drug or pharmaceutical 170
preparation that would be hazardous to health or safety if used 171
without the supervision of a licensed health professional 172
authorized to prescribe drugs, or a drug of abuse, and that, at 173
one time, had been placed in a container plainly marked as a 174
sample by a manufacturer. 175

(M) "Standard pharmaceutical reference manual" means the 176
current edition, with cumulative changes if any, of references 177
that are approved by the state board of pharmacy. 178

(N) "Juvenile" means a person under eighteen years of age. 179

(O) "Counterfeit controlled substance" means any of the 180
following: 181

(1) Any drug that bears, or whose container or label 182
bears, a trademark, trade name, or other identifying mark used 183
without authorization of the owner of rights to that trademark, 184
trade name, or identifying mark; 185

(2) Any unmarked or unlabeled substance that is 186
represented to be a controlled substance manufactured, 187
processed, packed, or distributed by a person other than the 188
person that manufactured, processed, packed, or distributed it; 189

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 190
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(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 193
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(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 198
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(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed. 205
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(R) "School premises" means either of the following: 212

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed; 213
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(2) Any other parcel of real property that is owned or 218

leased by a board of education of a school, the governing 219
authority of a community school established under Chapter 3314. 220
of the Revised Code, or the governing body of a nonpublic school 221
for which the state board of education prescribes minimum 222
standards under section 3301.07 of the Revised Code and on which 223
some of the instruction, extracurricular activities, or training 224
of the school is conducted, whether or not any instruction, 225
extracurricular activities, or training provided by the school 226
is being conducted on the parcel of real property at the time a 227
criminal offense is committed. 228

(S) "School building" means any building in which any of 229
the instruction, extracurricular activities, or training 230
provided by a school is conducted, whether or not any 231
instruction, extracurricular activities, or training provided by 232
the school is being conducted in the school building at the time 233
a criminal offense is committed. 234

(T) "Disciplinary counsel" means the disciplinary counsel 235
appointed by the board of commissioners on grievances and 236
discipline of the supreme court under the Rules for the 237
Government of the Bar of Ohio. 238

(U) "Certified grievance committee" means a duly 239
constituted and organized committee of the Ohio state bar 240
association or of one or more local bar associations of the 241
state of Ohio that complies with the criteria set forth in Rule 242
V, section 6 of the Rules for the Government of the Bar of Ohio. 243

(V) "Professional license" means any license, permit, 244
certificate, registration, qualification, admission, temporary 245
license, temporary permit, temporary certificate, or temporary 246
registration that is described in divisions (W)(1) to (36) of 247
this section and that qualifies a person as a professionally 248

licensed person.	249
(W) "Professionally licensed person" means any of the	250
following:	251
(1) A person who has obtained a license as a manufacturer	252
of controlled substances or a wholesaler of controlled	253
substances under Chapter 3719. of the Revised Code;	254
(2) A person who has received a certificate or temporary	255
certificate as a certified public accountant or who has	256
registered as a public accountant under Chapter 4701. of the	257
Revised Code and who holds an Ohio permit issued under that	258
chapter;	259
(3) A person who holds a certificate of qualification to	260
practice architecture issued or renewed and registered under	261
Chapter 4703. of the Revised Code;	262
(4) A person who is registered as a landscape architect	263
under Chapter 4703. of the Revised Code or who holds a permit as	264
a landscape architect issued under that chapter;	265
(5) A person licensed under Chapter 4707. of the Revised	266
Code;	267
(6) A person who has been issued a certificate of	268
registration as a registered barber under Chapter 4709. of the	269
Revised Code;	270
(7) A person licensed and regulated to engage in the	271
business of a debt pooling company by a legislative authority,	272
under authority of Chapter 4710. of the Revised Code;	273
(8) A person who has been issued a cosmetologist's	274
license, hair designer's license, manicurist's license,	275
esthetician's license, natural hair stylist's license, advanced	276

cosmetologist's license, advanced hair designer's license,	277
advanced manicurist's license, advanced esthetician's license,	278
advanced natural hair stylist's license, cosmetology	279
instructor's license, hair design instructor's license,	280
manicurist instructor's license, esthetics instructor's license,	281
natural hair style instructor's license, independent	282
contractor's license, or tanning facility permit under Chapter	283
4713. of the Revised Code;	284
(9) A person who has been issued a license to practice	285
dentistry, a general anesthesia permit, a conscious intravenous	286
sedation permit, a limited resident's license, a limited	287
teaching license, a dental hygienist's license, or a dental	288
hygienist's teacher's certificate under Chapter 4715. of the	289
Revised Code;	290
(10) A person who has been issued an embalmer's license, a	291
funeral director's license, a funeral home license, or a	292
crematory license, or who has been registered for an embalmer's	293
or funeral director's apprenticeship under Chapter 4717. of the	294
Revised Code;	295
(11) A person who has been licensed as a registered nurse	296
or practical nurse, or who has been issued a certificate for the	297
practice of nurse-midwifery under Chapter 4723. of the Revised	298
Code;	299
(12) A person who has been licensed to practice optometry	300
or to engage in optical dispensing under Chapter 4725. of the	301
Revised Code;	302
(13) A person licensed to act as a pawnbroker under	303
Chapter 4727. of the Revised Code;	304
(14) A person licensed to act as a precious metals dealer	305

under Chapter 4728. of the Revised Code;	306
(15) A person licensed as a pharmacist, a pharmacy intern,	307
a wholesale distributor of dangerous drugs, or a terminal	308
distributor of dangerous drugs under Chapter 4729. of the	309
Revised Code;	310
(16) A person who is authorized to practice as a physician	311
assistant under Chapter 4730. of the Revised Code;	312
(17) A person who has been issued a certificate to	313
practice medicine and surgery, osteopathic medicine and surgery,	314
a limited branch of medicine, or podiatry under Chapter 4731. of	315
the Revised Code;	316
(18) A person licensed as a psychologist or school	317
psychologist under Chapter 4732. of the Revised Code;	318
(19) A person registered to practice the profession of	319
engineering or surveying under Chapter 4733. of the Revised	320
Code;	321
(20) A person who has been issued a license to practice	322
chiropractic under Chapter 4734. of the Revised Code;	323
(21) A person licensed to act as a real estate broker or	324
real estate salesperson under Chapter 4735. of the Revised Code;	325
(22) A person registered as a registered sanitarian under	326
Chapter 4736. of the Revised Code;	327
(23) A person licensed to operate or maintain a junkyard	328
under Chapter 4737. of the Revised Code;	329
(24) A person who has been issued a motor vehicle salvage	330
dealer's license under Chapter 4738. of the Revised Code;	331
(25) A person who has been licensed to act as a steam	332

engineer under Chapter 4739. of the Revised Code;	333
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	334 335 336 337
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	338 339 340
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	341 342 343
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	344 345 346
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	347 348 349
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	350 351 352
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	353 354 355 356 357 358
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	359 360

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public

accommodation, business, amusement, or resort. 417

(II) "Methamphetamine" means methamphetamine, any salt, 418
isomer, or salt of an isomer of methamphetamine, or any 419
compound, mixture, preparation, or substance containing 420
methamphetamine or any salt, isomer, or salt of an isomer of 421
methamphetamine. 422

(JJ) "Lawful prescription" means a prescription that is 423
issued for a legitimate medical purpose by a licensed health 424
professional authorized to prescribe drugs, that is not altered 425
or forged, and that was not obtained by means of deception or by 426
the commission of any theft offense. 427

(KK) "Deception" and "theft offense" have the same 428
meanings as in section 2913.01 of the Revised Code. 429

(LL) "Fentanyl-related compound" means any of the 430
following: 431

(1) Fentanyl; 432

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 433
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 434
phenylethyl)-4-(N-propanilido) piperidine); 435

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 436
thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide); 437

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 438
piperidinyl]-N- phenylpropanamide); 439

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 440
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 441
phenylpropanamide); 442

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 443

<u>piperidyl]-N- phenylpropanamide);</u>	444
<u>(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-</u>	445
<u>(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);</u>	446
<u>(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-</u>	447
<u>phenethyl)-4-piperidinyl]propanamide;</u>	448
<u>(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-</u>	449
<u>piperidinyl]-propanamide;</u>	450
<u>(10) Alfentanil;</u>	451
<u>(11) Carfentanil;</u>	452
<u>(12) Remifentanil;</u>	453
<u>(13) Sufentanil;</u>	454
<u>(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-</u>	455
<u>phenethyl)-4-piperidinyl]-N-phenylacetamide); and</u>	456
<u>(15) A schedule I narcotic-opiate that meets the fentanyl</u>	457
<u>pharmacophore requirements specified in division (A) (56) of</u>	458
<u>section 3719.41 of the Revised Code, including acetylfentanyl,</u>	459
<u>furanylfentanyl, valerylfentanyl, butyrylfentanyl,</u>	460
<u>isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-</u>	461
<u>fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl.</u>	462
Sec. 2925.02. (A) No person shall knowingly do any of the	463
following:	464
(1) By force, threat, or deception, administer to another	465
or induce or cause another to use a controlled substance;	466
(2) By any means, administer or furnish to another or	467
induce or cause another to use a controlled substance with	468
purpose to cause serious physical harm to the other person, or	469
with purpose to cause the other person to become drug dependent;	470

(3) By any means, administer or furnish to another or 471
induce or cause another to use a controlled substance, and 472
thereby cause serious physical harm to the other person, or 473
cause the other person to become drug dependent; 474

(4) By any means, do any of the following: 475

(a) Furnish or administer a controlled substance to a 476
juvenile who is at least two years the offender's junior, when 477
the offender knows the age of the juvenile or is reckless in 478
that regard; 479

(b) Induce or cause a juvenile who is at least two years 480
the offender's junior to use a controlled substance, when the 481
offender knows the age of the juvenile or is reckless in that 482
regard; 483

(c) Induce or cause a juvenile who is at least two years 484
the offender's junior to commit a felony drug abuse offense, 485
when the offender knows the age of the juvenile or is reckless 486
in that regard; 487

(d) Use a juvenile, whether or not the offender knows the 488
age of the juvenile, to perform any surveillance activity that 489
is intended to prevent the detection of the offender or any 490
other person in the commission of a felony drug abuse offense or 491
to prevent the arrest of the offender or any other person for 492
the commission of a felony drug abuse offense. 493

(5) By any means, furnish or administer a controlled 494
substance to a pregnant woman or induce or cause a pregnant 495
woman to use a controlled substance, when the offender knows 496
that the woman is pregnant or is reckless in that regard. 497

(B) Division (A) (1), (3), (4), or (5) of this section does 498
not apply to manufacturers, wholesalers, licensed health 499

professionals authorized to prescribe drugs, pharmacists, owners 500
of pharmacies, and other persons whose conduct is in accordance 501
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 502
4741. of the Revised Code. 503

(C) Whoever violates this section is guilty of corrupting 504
another with drugs. The penalty for the offense shall be 505
determined as follows: 506

(1) If the offense is a violation of division (A) (1), (2), 507
(3), or (4) of this section and the drug involved is any 508
compound, mixture, preparation, or substance included in 509
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 510
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 511
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 512
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 513
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 514
offender shall be punished as follows: 515

(a) Except as otherwise provided in division (C) (1) (b) of 516
this section, corrupting another with drugs committed in those 517
circumstances is a felony of the second degree and, subject to 518
division (E) of this section, the court shall impose as a 519
mandatory prison term one of the prison terms prescribed for a 520
felony of the second degree. 521

(b) If the offense was committed in the vicinity of a 522
school, corrupting another with drugs committed in those 523
circumstances is a felony of the first degree, and, subject to 524
division (E) of this section, the court shall impose as a 525
mandatory prison term one of the prison terms prescribed for a 526
felony of the first degree. 527

(2) If the offense is a violation of division (A) (1), (2), 528

(3), or (4) of this section and the drug involved is any 529
compound, mixture, preparation, or substance included in 530
schedule III, IV, or V, the offender shall be punished as 531
follows: 532

(a) Except as otherwise provided in division (C) (2) (b) of 533
this section, corrupting another with drugs committed in those 534
circumstances is a felony of the second degree and there is a 535
presumption for a prison term for the offense. 536

(b) If the offense was committed in the vicinity of a 537
school, corrupting another with drugs committed in those 538
circumstances is a felony of the second degree and the court 539
shall impose as a mandatory prison term one of the prison terms 540
prescribed for a felony of the second degree. 541

(3) If the offense is a violation of division (A) (1), (2), 542
(3), or (4) of this section and the drug involved is marihuana, 543
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 544
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 545
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 546
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 547
offender shall be punished as follows: 548

(a) Except as otherwise provided in division (C) (3) (b) of 549
this section, corrupting another with drugs committed in those 550
circumstances is a felony of the fourth degree and division (C) 551
of section 2929.13 of the Revised Code applies in determining 552
whether to impose a prison term on the offender. 553

(b) If the offense was committed in the vicinity of a 554
school, corrupting another with drugs committed in those 555
circumstances is a felony of the third degree and division (C) 556
of section 2929.13 of the Revised Code applies in determining 557

whether to impose a prison term on the offender. 558

(4) If the offense is a violation of division (A) (5) of 559
this section and the drug involved is any compound, mixture, 560
preparation, or substance included in schedule I or II, with the 561
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 562
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 563
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 564
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 565
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 566
felony of the first degree and, subject to division (E) of this 567
section, the court shall impose as a mandatory prison term one 568
of the prison terms prescribed for a felony of the first degree. 569

(5) If the offense is a violation of division (A) (5) of 570
this section and the drug involved is any compound, mixture, 571
preparation, or substance included in schedule III, IV, or V, 572
corrupting another with drugs is a felony of the second degree 573
and the court shall impose as a mandatory prison term one of the 574
prison terms prescribed for a felony of the second degree. 575

(6) If the offense is a violation of division (A) (5) of 576
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 577
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 578
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 579
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 580
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 581
corrupting another with drugs is a felony of the third degree 582
and division (C) of section 2929.13 of the Revised Code applies 583
in determining whether to impose a prison term on the offender. 584

(D) In addition to any prison term authorized or required 585
by division (C) or (E) of this section and sections 2929.13 and 586
2929.14 of the Revised Code and in addition to any other 587

sanction imposed for the offense under this section or sections 588
2929.11 to 2929.18 of the Revised Code, the court that sentences 589
an offender who is convicted of or pleads guilty to a violation 590
of division (A) of this section may suspend for not more than 591
five years the offender's driver's or commercial driver's 592
license or permit. However, if the offender pleaded guilty to or 593
was convicted of a violation of section 4511.19 of the Revised 594
Code or a substantially similar municipal ordinance or the law 595
of another state or the United States arising out of the same 596
set of circumstances as the violation, the court shall suspend 597
the offender's driver's or commercial driver's license or permit 598
for not more than five years. The court also shall do all of the 599
following that are applicable regarding the offender: 600

(1) (a) If the violation is a felony of the first, second, 601
or third degree, the court shall impose upon the offender the 602
mandatory fine specified for the offense under division (B) (1) 603
of section 2929.18 of the Revised Code unless, as specified in 604
that division, the court determines that the offender is 605
indigent. 606

(b) Notwithstanding any contrary provision of section 607
3719.21 of the Revised Code, any mandatory fine imposed pursuant 608
to division (D) (1) (a) of this section and any fine imposed for a 609
violation of this section pursuant to division (A) of section 610
2929.18 of the Revised Code shall be paid by the clerk of the 611
court in accordance with and subject to the requirements of, and 612
shall be used as specified in, division (F) of section 2925.03 613
of the Revised Code. 614

(c) If a person is charged with any violation of this 615
section that is a felony of the first, second, or third degree, 616
posts bail, and forfeits the bail, the forfeited bail shall be 617

paid by the clerk of the court pursuant to division (D) (1) (b) of 618
this section as if it were a fine imposed for a violation of 619
this section. 620

(2) If the offender is a professionally licensed person, 621
in addition to any other sanction imposed for a violation of 622
this section, the court immediately shall comply with section 623
2925.38 of the Revised Code. 624

(E) Notwithstanding the prison term otherwise authorized 625
or required for the offense under division (C) of this section 626
and sections 2929.13 and 2929.14 of the Revised Code, if the 627
violation of division (A) of this section involves the sale, 628
offer to sell, or possession of a schedule I or II controlled 629
substance, with the exception of marihuana, 1-Pentyl-3-(1- 630
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 631
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 632
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 633
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 634
if the court imposing sentence upon the offender finds that the 635
offender as a result of the violation is a major drug offender 636
and is guilty of a specification of the type described in 637
division (A) of section 2941.1410 of the Revised Code, the 638
court, in lieu of the prison term that otherwise is authorized 639
or required, shall impose upon the offender the mandatory prison 640
term specified in division (B) (3) (a) of section 2929.14 of the 641
Revised Code. 642

(F) (1) If the sentencing court suspends the offender's 643
driver's or commercial driver's license or permit under division 644
(D) of this section, the offender, at any time after the 645
expiration of two years from the day on which the offender's 646
sentence was imposed or from the day on which the offender 647

finally was released from a prison term under the sentence, 648
whichever is later, may file a motion with the sentencing court 649
requesting termination of the suspension. Upon the filing of the 650
motion and the court's finding of good cause for the 651
determination, the court may terminate the suspension. 652

(2) Any offender who received a mandatory suspension of 653
the offender's driver's or commercial driver's license or permit 654
under this section prior to ~~the effective date of this amendment~~ 655
September 13, 2016, may file a motion with the sentencing court 656
requesting the termination of the suspension. However, an 657
offender who pleaded guilty to or was convicted of a violation 658
of section 4511.19 of the Revised Code or a substantially 659
similar municipal ordinance or law of another state or the 660
United States that arose out of the same set of circumstances as 661
the violation for which the offender's license or permit was 662
suspended under this section shall not file such a motion. 663

Upon the filing of a motion under division (F) (2) of this 664
section, the sentencing court, in its discretion, may terminate 665
the suspension. 666

Sec. 2925.03. (A) No person shall knowingly do any of the 667
following: 668

(1) Sell or offer to sell a controlled substance or a 669
controlled substance analog; 670

(2) Prepare for shipment, ship, transport, deliver, 671
prepare for distribution, or distribute a controlled substance 672
or a controlled substance analog, when the offender knows or has 673
reasonable cause to believe that the controlled substance or a 674
controlled substance analog is intended for sale or resale by 675
the offender or another person. 676

(B) This section does not apply to any of the following: 677

(1) Manufacturers, licensed health professionals 678
authorized to prescribe drugs, pharmacists, owners of 679
pharmacies, and other persons whose conduct is in accordance 680
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 681
4741. of the Revised Code; 682

(2) If the offense involves an anabolic steroid, any 683
person who is conducting or participating in a research project 684
involving the use of an anabolic steroid if the project has been 685
approved by the United States food and drug administration; 686

(3) Any person who sells, offers for sale, prescribes, 687
dispenses, or administers for livestock or other nonhuman 688
species an anabolic steroid that is expressly intended for 689
administration through implants to livestock or other nonhuman 690
species and approved for that purpose under the "Federal Food, 691
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 692
as amended, and is sold, offered for sale, prescribed, 693
dispensed, or administered for that purpose in accordance with 694
that act. 695

(C) Whoever violates division (A) of this section is 696
guilty of one of the following: 697

(1) If the drug involved in the violation is any compound, 698
mixture, preparation, or substance included in schedule I or 699
schedule II, with the exception of marihuana, cocaine, L.S.D., 700
heroin, any fentanyl-related compound, hashish, and any 701
controlled substance—~~analog~~ analog, whoever violates division 702
(A) of this section is guilty of aggravated trafficking in 703
drugs. The penalty for the offense shall be determined as 704
follows: 705

(a) Except as otherwise provided in division (C) (1) (b), 706
(c), (d), (e), or (f) of this section, aggravated trafficking in 707
drugs is a felony of the fourth degree, and division (C) of 708
section 2929.13 of the Revised Code applies in determining 709
whether to impose a prison term on the offender. 710

(b) Except as otherwise provided in division (C) (1) (c), 711
(d), (e), or (f) of this section, if the offense was committed 712
in the vicinity of a school or in the vicinity of a juvenile, 713
aggravated trafficking in drugs is a felony of the third degree, 714
and division (C) of section 2929.13 of the Revised Code applies 715
in determining whether to impose a prison term on the offender. 716

(c) Except as otherwise provided in this division, if the 717
amount of the drug involved equals or exceeds the bulk amount 718
but is less than five times the bulk amount, aggravated 719
trafficking in drugs is a felony of the third degree, and, 720
except as otherwise provided in this division, there is a 721
presumption for a prison term for the offense. If aggravated 722
trafficking in drugs is a felony of the third degree under this 723
division and if the offender two or more times previously has 724
been convicted of or pleaded guilty to a felony drug abuse 725
offense, the court shall impose as a mandatory prison term one 726
of the prison terms prescribed for a felony of the third degree. 727
If the amount of the drug involved is within that range and if 728
the offense was committed in the vicinity of a school or in the 729
vicinity of a juvenile, aggravated trafficking in drugs is a 730
felony of the second degree, and the court shall impose as a 731
mandatory prison term one of the prison terms prescribed for a 732
felony of the second degree. 733

(d) Except as otherwise provided in this division, if the 734
amount of the drug involved equals or exceeds five times the 735

bulk amount but is less than fifty times the bulk amount, 736
aggravated trafficking in drugs is a felony of the second 737
degree, and the court shall impose as a mandatory prison term 738
one of the prison terms prescribed for a felony of the second 739
degree. If the amount of the drug involved is within that range 740
and if the offense was committed in the vicinity of a school or 741
in the vicinity of a juvenile, aggravated trafficking in drugs 742
is a felony of the first degree, and the court shall impose as a 743
mandatory prison term one of the prison terms prescribed for a 744
felony of the first degree. 745

(e) If the amount of the drug involved equals or exceeds 746
fifty times the bulk amount but is less than one hundred times 747
the bulk amount and regardless of whether the offense was 748
committed in the vicinity of a school or in the vicinity of a 749
juvenile, aggravated trafficking in drugs is a felony of the 750
first degree, and the court shall impose as a mandatory prison 751
term one of the prison terms prescribed for a felony of the 752
first degree. 753

(f) If the amount of the drug involved equals or exceeds 754
one hundred times the bulk amount and regardless of whether the 755
offense was committed in the vicinity of a school or in the 756
vicinity of a juvenile, aggravated trafficking in drugs is a 757
felony of the first degree, the offender is a major drug 758
offender, and the court shall impose as a mandatory prison term 759
the maximum prison term prescribed for a felony of the first 760
degree. 761

(2) If the drug involved in the violation is any compound, 762
mixture, preparation, or substance included in schedule III, IV, 763
or V, whoever violates division (A) of this section is guilty of 764
trafficking in drugs. The penalty for the offense shall be 765

determined as follows: 766

(a) Except as otherwise provided in division (C) (2) (b), 767
(c), (d), or (e) of this section, trafficking in drugs is a 768
felony of the fifth degree, and division (B) of section 2929.13 769
of the Revised Code applies in determining whether to impose a 770
prison term on the offender. 771

(b) Except as otherwise provided in division (C) (2) (c), 772
(d), or (e) of this section, if the offense was committed in the 773
vicinity of a school or in the vicinity of a juvenile, 774
trafficking in drugs is a felony of the fourth degree, and 775
division (C) of section 2929.13 of the Revised Code applies in 776
determining whether to impose a prison term on the offender. 777

(c) Except as otherwise provided in this division, if the 778
amount of the drug involved equals or exceeds the bulk amount 779
but is less than five times the bulk amount, trafficking in 780
drugs is a felony of the fourth degree, and division (B) of 781
section 2929.13 of the Revised Code applies in determining 782
whether to impose a prison term for the offense. If the amount 783
of the drug involved is within that range and if the offense was 784
committed in the vicinity of a school or in the vicinity of a 785
juvenile, trafficking in drugs is a felony of the third degree, 786
and there is a presumption for a prison term for the offense. 787

(d) Except as otherwise provided in this division, if the 788
amount of the drug involved equals or exceeds five times the 789
bulk amount but is less than fifty times the bulk amount, 790
trafficking in drugs is a felony of the third degree, and there 791
is a presumption for a prison term for the offense. If the 792
amount of the drug involved is within that range and if the 793
offense was committed in the vicinity of a school or in the 794
vicinity of a juvenile, trafficking in drugs is a felony of the 795

second degree, and there is a presumption for a prison term for 796
the offense. 797

(e) Except as otherwise provided in this division, if the 798
amount of the drug involved equals or exceeds fifty times the 799
bulk amount, trafficking in drugs is a felony of the second 800
degree, and the court shall impose as a mandatory prison term 801
one of the prison terms prescribed for a felony of the second 802
degree. If the amount of the drug involved equals or exceeds 803
fifty times the bulk amount and if the offense was committed in 804
the vicinity of a school or in the vicinity of a juvenile, 805
trafficking in drugs is a felony of the first degree, and the 806
court shall impose as a mandatory prison term one of the prison 807
terms prescribed for a felony of the first degree. 808

(3) If the drug involved in the violation is marihuana or 809
a compound, mixture, preparation, or substance containing 810
marihuana other than hashish, whoever violates division (A) of 811
this section is guilty of trafficking in marihuana. The penalty 812
for the offense shall be determined as follows: 813

(a) Except as otherwise provided in division (C) (3) (b), 814
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 815
marihuana is a felony of the fifth degree, and division (B) of 816
section 2929.13 of the Revised Code applies in determining 817
whether to impose a prison term on the offender. 818

(b) Except as otherwise provided in division (C) (3) (c), 819
(d), (e), (f), (g), or (h) of this section, if the offense was 820
committed in the vicinity of a school or in the vicinity of a 821
juvenile, trafficking in marihuana is a felony of the fourth 822
degree, and division (B) of section 2929.13 of the Revised Code 823
applies in determining whether to impose a prison term on the 824
offender. 825

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term

shall be imposed for the offense. 857

(f) Except as otherwise provided in this division, if the 858
amount of the drug involved equals or exceeds twenty thousand 859
grams but is less than forty thousand grams, trafficking in 860
marihuana is a felony of the second degree, and the court shall 861
impose a mandatory prison term of five, six, seven, or eight 862
years. If the amount of the drug involved is within that range 863
and if the offense was committed in the vicinity of a school or 864
in the vicinity of a juvenile, trafficking in marihuana is a 865
felony of the first degree, and the court shall impose as a 866
mandatory prison term the maximum prison term prescribed for a 867
felony of the first degree. 868

(g) Except as otherwise provided in this division, if the 869
amount of the drug involved equals or exceeds forty thousand 870
grams, trafficking in marihuana is a felony of the second 871
degree, and the court shall impose as a mandatory prison term 872
the maximum prison term prescribed for a felony of the second 873
degree. If the amount of the drug involved equals or exceeds 874
forty thousand grams and if the offense was committed in the 875
vicinity of a school or in the vicinity of a juvenile, 876
trafficking in marihuana is a felony of the first degree, and 877
the court shall impose as a mandatory prison term the maximum 878
prison term prescribed for a felony of the first degree. 879

(h) Except as otherwise provided in this division, if the 880
offense involves a gift of twenty grams or less of marihuana, 881
trafficking in marihuana is a minor misdemeanor upon a first 882
offense and a misdemeanor of the third degree upon a subsequent 883
offense. If the offense involves a gift of twenty grams or less 884
of marihuana and if the offense was committed in the vicinity of 885
a school or in the vicinity of a juvenile, trafficking in 886

marihuana is a misdemeanor of the third degree. 887

(4) If the drug involved in the violation is cocaine or a 888
compound, mixture, preparation, or substance containing cocaine, 889
whoever violates division (A) of this section is guilty of 890
trafficking in cocaine. The penalty for the offense shall be 891
determined as follows: 892

(a) Except as otherwise provided in division (C) (4) (b), 893
(c), (d), (e), (f), or (g) of this section, trafficking in 894
cocaine is a felony of the fifth degree, and division (B) of 895
section 2929.13 of the Revised Code applies in determining 896
whether to impose a prison term on the offender. 897

(b) Except as otherwise provided in division (C) (4) (c), 898
(d), (e), (f), or (g) of this section, if the offense was 899
committed in the vicinity of a school or in the vicinity of a 900
juvenile, trafficking in cocaine is a felony of the fourth 901
degree, and division (C) of section 2929.13 of the Revised Code 902
applies in determining whether to impose a prison term on the 903
offender. 904

(c) Except as otherwise provided in this division, if the 905
amount of the drug involved equals or exceeds five grams but is 906
less than ten grams of cocaine, trafficking in cocaine is a 907
felony of the fourth degree, and division (B) of section 2929.13 908
of the Revised Code applies in determining whether to impose a 909
prison term for the offense. If the amount of the drug involved 910
is within that range and if the offense was committed in the 911
vicinity of a school or in the vicinity of a juvenile, 912
trafficking in cocaine is a felony of the third degree, and 913
there is a presumption for a prison term for the offense. 914

(d) Except as otherwise provided in this division, if the 915

amount of the drug involved equals or exceeds ten grams but is 916
less than twenty grams of cocaine, trafficking in cocaine is a 917
felony of the third degree, and, except as otherwise provided in 918
this division, there is a presumption for a prison term for the 919
offense. If trafficking in cocaine is a felony of the third 920
degree under this division and if the offender two or more times 921
previously has been convicted of or pleaded guilty to a felony 922
drug abuse offense, the court shall impose as a mandatory prison 923
term one of the prison terms prescribed for a felony of the 924
third degree. If the amount of the drug involved is within that 925
range and if the offense was committed in the vicinity of a 926
school or in the vicinity of a juvenile, trafficking in cocaine 927
is a felony of the second degree, and the court shall impose as 928
a mandatory prison term one of the prison terms prescribed for a 929
felony of the second degree. 930

(e) Except as otherwise provided in this division, if the 931
amount of the drug involved equals or exceeds twenty grams but 932
is less than twenty-seven grams of cocaine, trafficking in 933
cocaine is a felony of the second degree, and the court shall 934
impose as a mandatory prison term one of the prison terms 935
prescribed for a felony of the second degree. If the amount of 936
the drug involved is within that range and if the offense was 937
committed in the vicinity of a school or in the vicinity of a 938
juvenile, trafficking in cocaine is a felony of the first 939
degree, and the court shall impose as a mandatory prison term 940
one of the prison terms prescribed for a felony of the first 941
degree. 942

(f) If the amount of the drug involved equals or exceeds 943
twenty-seven grams but is less than one hundred grams of cocaine 944
and regardless of whether the offense was committed in the 945
vicinity of a school or in the vicinity of a juvenile, 946

trafficking in cocaine is a felony of the first degree, and the 947
court shall impose as a mandatory prison term one of the prison 948
terms prescribed for a felony of the first degree. 949

(g) If the amount of the drug involved equals or exceeds 950
one hundred grams of cocaine and regardless of whether the 951
offense was committed in the vicinity of a school or in the 952
vicinity of a juvenile, trafficking in cocaine is a felony of 953
the first degree, the offender is a major drug offender, and the 954
court shall impose as a mandatory prison term the maximum prison 955
term prescribed for a felony of the first degree. 956

(5) If the drug involved in the violation is L.S.D. or a 957
compound, mixture, preparation, or substance containing L.S.D., 958
whoever violates division (A) of this section is guilty of 959
trafficking in L.S.D. The penalty for the offense shall be 960
determined as follows: 961

(a) Except as otherwise provided in division (C) (5) (b), 962
(c), (d), (e), (f), or (g) of this section, trafficking in 963
L.S.D. is a felony of the fifth degree, and division (B) of 964
section 2929.13 of the Revised Code applies in determining 965
whether to impose a prison term on the offender. 966

(b) Except as otherwise provided in division (C) (5) (c), 967
(d), (e), (f), or (g) of this section, if the offense was 968
committed in the vicinity of a school or in the vicinity of a 969
juvenile, trafficking in L.S.D. is a felony of the fourth 970
degree, and division (C) of section 2929.13 of the Revised Code 971
applies in determining whether to impose a prison term on the 972
offender. 973

(c) Except as otherwise provided in this division, if the 974
amount of the drug involved equals or exceeds ten unit doses but 975

is less than fifty unit doses of L.S.D. in a solid form or 976
equals or exceeds one gram but is less than five grams of L.S.D. 977
in a liquid concentrate, liquid extract, or liquid distillate 978
form, trafficking in L.S.D. is a felony of the fourth degree, 979
and division (B) of section 2929.13 of the Revised Code applies 980
in determining whether to impose a prison term for the offense. 981
If the amount of the drug involved is within that range and if 982
the offense was committed in the vicinity of a school or in the 983
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 984
third degree, and there is a presumption for a prison term for 985
the offense. 986

(d) Except as otherwise provided in this division, if the 987
amount of the drug involved equals or exceeds fifty unit doses 988
but is less than two hundred fifty unit doses of L.S.D. in a 989
solid form or equals or exceeds five grams but is less than 990
twenty-five grams of L.S.D. in a liquid concentrate, liquid 991
extract, or liquid distillate form, trafficking in L.S.D. is a 992
felony of the third degree, and, except as otherwise provided in 993
this division, there is a presumption for a prison term for the 994
offense. If trafficking in L.S.D. is a felony of the third 995
degree under this division and if the offender two or more times 996
previously has been convicted of or pleaded guilty to a felony 997
drug abuse offense, the court shall impose as a mandatory prison 998
term one of the prison terms prescribed for a felony of the 999
third degree. If the amount of the drug involved is within that 1000
range and if the offense was committed in the vicinity of a 1001
school or in the vicinity of a juvenile, trafficking in L.S.D. 1002
is a felony of the second degree, and the court shall impose as 1003
a mandatory prison term one of the prison terms prescribed for a 1004
felony of the second degree. 1005

(e) Except as otherwise provided in this division, if the 1006

amount of the drug involved equals or exceeds two hundred fifty 1007
unit doses but is less than one thousand unit doses of L.S.D. in 1008
a solid form or equals or exceeds twenty-five grams but is less 1009
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1010
extract, or liquid distillate form, trafficking in L.S.D. is a 1011
felony of the second degree, and the court shall impose as a 1012
mandatory prison term one of the prison terms prescribed for a 1013
felony of the second degree. If the amount of the drug involved 1014
is within that range and if the offense was committed in the 1015
vicinity of a school or in the vicinity of a juvenile, 1016
trafficking in L.S.D. is a felony of the first degree, and the 1017
court shall impose as a mandatory prison term one of the prison 1018
terms prescribed for a felony of the first degree. 1019

(f) If the amount of the drug involved equals or exceeds 1020
one thousand unit doses but is less than five thousand unit 1021
doses of L.S.D. in a solid form or equals or exceeds one hundred 1022
grams but is less than five hundred grams of L.S.D. in a liquid 1023
concentrate, liquid extract, or liquid distillate form and 1024
regardless of whether the offense was committed in the vicinity 1025
of a school or in the vicinity of a juvenile, trafficking in 1026
L.S.D. is a felony of the first degree, and the court shall 1027
impose as a mandatory prison term one of the prison terms 1028
prescribed for a felony of the first degree. 1029

(g) If the amount of the drug involved equals or exceeds 1030
five thousand unit doses of L.S.D. in a solid form or equals or 1031
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1032
liquid extract, or liquid distillate form and regardless of 1033
whether the offense was committed in the vicinity of a school or 1034
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1035
of the first degree, the offender is a major drug offender, and 1036
the court shall impose as a mandatory prison term the maximum 1037

prison term prescribed for a felony of the first degree. 1038

(6) If the drug involved in the violation is heroin or a 1039
compound, mixture, preparation, or substance containing heroin, 1040
whoever violates division (A) of this section is guilty of 1041
trafficking in heroin. The penalty for the offense shall be 1042
determined as follows: 1043

(a) Except as otherwise provided in division (C) (6) (b), 1044
(c), (d), (e), (f), or (g) of this section, trafficking in 1045
heroin is a felony of the fifth degree, and division (B) of 1046
section 2929.13 of the Revised Code applies in determining 1047
whether to impose a prison term on the offender. 1048

(b) Except as otherwise provided in division (C) (6) (c), 1049
(d), (e), (f), or (g) of this section, if the offense was 1050
committed in the vicinity of a school or in the vicinity of a 1051
juvenile, trafficking in heroin is a felony of the fourth 1052
degree, and division (C) of section 2929.13 of the Revised Code 1053
applies in determining whether to impose a prison term on the 1054
offender. 1055

(c) Except as otherwise provided in this division, if the 1056
amount of the drug involved equals or exceeds ten unit doses but 1057
is less than fifty unit doses or equals or exceeds one gram but 1058
is less than five grams, trafficking in heroin is a felony of 1059
the fourth degree, and division (B) of section 2929.13 of the 1060
Revised Code applies in determining whether to impose a prison 1061
term for the offense. If the amount of the drug involved is 1062
within that range and if the offense was committed in the 1063
vicinity of a school or in the vicinity of a juvenile, 1064
trafficking in heroin is a felony of the third degree, and there 1065
is a presumption for a prison term for the offense. 1066

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds 1097
one thousand unit doses or equals or exceeds one hundred grams 1098
and regardless of whether the offense was committed in the 1099
vicinity of a school or in the vicinity of a juvenile, 1100
trafficking in heroin is a felony of the first degree, the 1101
offender is a major drug offender, and the court shall impose as 1102
a mandatory prison term the maximum prison term prescribed for a 1103
felony of the first degree. 1104

(7) If the drug involved in the violation is hashish or a 1105
compound, mixture, preparation, or substance containing hashish, 1106
whoever violates division (A) of this section is guilty of 1107
trafficking in hashish. The penalty for the offense shall be 1108
determined as follows: 1109

(a) Except as otherwise provided in division (C) (7) (b), 1110
(c), (d), (e), (f), or (g) of this section, trafficking in 1111
hashish is a felony of the fifth degree, and division (B) of 1112
section 2929.13 of the Revised Code applies in determining 1113
whether to impose a prison term on the offender. 1114

(b) Except as otherwise provided in division (C) (7) (c), 1115
(d), (e), (f), or (g) of this section, if the offense was 1116
committed in the vicinity of a school or in the vicinity of a 1117
juvenile, trafficking in hashish is a felony of the fourth 1118
degree, and division (B) of section 2929.13 of the Revised Code 1119
applies in determining whether to impose a prison term on the 1120
offender. 1121

(c) Except as otherwise provided in this division, if the 1122
amount of the drug involved equals or exceeds ten grams but is 1123
less than fifty grams of hashish in a solid form or equals or 1124
exceeds two grams but is less than ten grams of hashish in a 1125
liquid concentrate, liquid extract, or liquid distillate form, 1126

trafficking in hashish is a felony of the fourth degree, and 1127
division (B) of section 2929.13 of the Revised Code applies in 1128
determining whether to impose a prison term on the offender. If 1129
the amount of the drug involved is within that range and if the 1130
offense was committed in the vicinity of a school or in the 1131
vicinity of a juvenile, trafficking in hashish is a felony of 1132
the third degree, and division (C) of section 2929.13 of the 1133
Revised Code applies in determining whether to impose a prison 1134
term on the offender. 1135

(d) Except as otherwise provided in this division, if the 1136
amount of the drug involved equals or exceeds fifty grams but is 1137
less than two hundred fifty grams of hashish in a solid form or 1138
equals or exceeds ten grams but is less than fifty grams of 1139
hashish in a liquid concentrate, liquid extract, or liquid 1140
distillate form, trafficking in hashish is a felony of the third 1141
degree, and division (C) of section 2929.13 of the Revised Code 1142
applies in determining whether to impose a prison term on the 1143
offender. If the amount of the drug involved is within that 1144
range and if the offense was committed in the vicinity of a 1145
school or in the vicinity of a juvenile, trafficking in hashish 1146
is a felony of the second degree, and there is a presumption 1147
that a prison term shall be imposed for the offense. 1148

(e) Except as otherwise provided in this division, if the 1149
amount of the drug involved equals or exceeds two hundred fifty 1150
grams but is less than one thousand grams of hashish in a solid 1151
form or equals or exceeds fifty grams but is less than two 1152
hundred grams of hashish in a liquid concentrate, liquid 1153
extract, or liquid distillate form, trafficking in hashish is a 1154
felony of the third degree, and there is a presumption that a 1155
prison term shall be imposed for the offense. If the amount of 1156
the drug involved is within that range and if the offense was 1157

committed in the vicinity of a school or in the vicinity of a 1158
juvenile, trafficking in hashish is a felony of the second 1159
degree, and there is a presumption that a prison term shall be 1160
imposed for the offense. 1161

(f) Except as otherwise provided in this division, if the 1162
amount of the drug involved equals or exceeds one thousand grams 1163
but is less than two thousand grams of hashish in a solid form 1164
or equals or exceeds two hundred grams but is less than four 1165
hundred grams of hashish in a liquid concentrate, liquid 1166
extract, or liquid distillate form, trafficking in hashish is a 1167
felony of the second degree, and the court shall impose a 1168
mandatory prison term of five, six, seven, or eight years. If 1169
the amount of the drug involved is within that range and if the 1170
offense was committed in the vicinity of a school or in the 1171
vicinity of a juvenile, trafficking in hashish is a felony of 1172
the first degree, and the court shall impose as a mandatory 1173
prison term the maximum prison term prescribed for a felony of 1174
the first degree. 1175

(g) Except as otherwise provided in this division, if the 1176
amount of the drug involved equals or exceeds two thousand grams 1177
of hashish in a solid form or equals or exceeds four hundred 1178
grams of hashish in a liquid concentrate, liquid extract, or 1179
liquid distillate form, trafficking in hashish is a felony of 1180
the second degree, and the court shall impose as a mandatory 1181
prison term the maximum prison term prescribed for a felony of 1182
the second degree. If the amount of the drug involved equals or 1183
exceeds two thousand grams of hashish in a solid form or equals 1184
or exceeds four hundred grams of hashish in a liquid 1185
concentrate, liquid extract, or liquid distillate form and if 1186
the offense was committed in the vicinity of a school or in the 1187
vicinity of a juvenile, trafficking in hashish is a felony of 1188

the first degree, and the court shall impose as a mandatory 1189
prison term the maximum prison term prescribed for a felony of 1190
the first degree. 1191

(8) If the drug involved in the violation is a controlled 1192
substance analog or compound, mixture, preparation, or substance 1193
that contains a controlled substance analog, whoever violates 1194
division (A) of this section is guilty of trafficking in a 1195
controlled substance analog. The penalty for the offense shall 1196
be determined as follows: 1197

(a) Except as otherwise provided in division (C) (8) (b), 1198
(c), (d), (e), (f), or (g) of this section, trafficking in a 1199
controlled substance analog is a felony of the fifth degree, and 1200
division (C) of section 2929.13 of the Revised Code applies in 1201
determining whether to impose a prison term on the offender. 1202

(b) Except as otherwise provided in division (C) (8) (c), 1203
(d), (e), (f), or (g) of this section, if the offense was 1204
committed in the vicinity of a school or in the vicinity of a 1205
juvenile, trafficking in a controlled substance analog is a 1206
felony of the fourth degree, and division (C) of section 2929.13 1207
of the Revised Code applies in determining whether to impose a 1208
prison term on the offender. 1209

(c) Except as otherwise provided in this division, if the 1210
amount of the drug involved equals or exceeds ten grams but is 1211
less than twenty grams, trafficking in a controlled substance 1212
analog is a felony of the fourth degree, and division (B) of 1213
section 2929.13 of the Revised Code applies in determining 1214
whether to impose a prison term for the offense. If the amount 1215
of the drug involved is within that range and if the offense was 1216
committed in the vicinity of a school or in the vicinity of a 1217
juvenile, trafficking in a controlled substance analog is a 1218

felony of the third degree, and there is a presumption for a 1219
prison term for the offense. 1220

(d) Except as otherwise provided in this division, if the 1221
amount of the drug involved equals or exceeds twenty grams but 1222
is less than thirty grams, trafficking in a controlled substance 1223
analog is a felony of the third degree, and there is a 1224
presumption for a prison term for the offense. If the amount of 1225
the drug involved is within that range and if the offense was 1226
committed in the vicinity of a school or in the vicinity of a 1227
juvenile, trafficking in a controlled substance analog is a 1228
felony of the second degree, and there is a presumption for a 1229
prison term for the offense. 1230

(e) Except as otherwise provided in this division, if the 1231
amount of the drug involved equals or exceeds thirty grams but 1232
is less than forty grams, trafficking in a controlled substance 1233
analog is a felony of the second degree, and the court shall 1234
impose as a mandatory prison term one of the prison terms 1235
prescribed for a felony of the second degree. If the amount of 1236
the drug involved is within that range and if the offense was 1237
committed in the vicinity of a school or in the vicinity of a 1238
juvenile, trafficking in a controlled substance analog is a 1239
felony of the first degree, and the court shall impose as a 1240
mandatory prison term one of the prison terms prescribed for a 1241
felony of the first degree. 1242

(f) If the amount of the drug involved equals or exceeds 1243
forty grams but is less than fifty grams and regardless of 1244
whether the offense was committed in the vicinity of a school or 1245
in the vicinity of a juvenile, trafficking in a controlled 1246
substance analog is a felony of the first degree, and the court 1247
shall impose as a mandatory prison term one of the prison terms 1248

prescribed for a felony of the first degree. 1249

(g) If the amount of the drug involved equals or exceeds 1250
fifty grams and regardless of whether the offense was committed 1251
in the vicinity of a school or in the vicinity of a juvenile, 1252
trafficking in a controlled substance analog is a felony of the 1253
first degree, the offender is a major drug offender, and the 1254
court shall impose as a mandatory prison term the maximum prison 1255
term prescribed for a felony of the first degree. 1256

(9) If the drug involved in the violation is a fentanyl- 1257
related compound or a compound, mixture, preparation, or 1258
substance containing a fentanyl-related compound and division 1259
(C) (10) (a) of this section does not apply to the drug involved, 1260
whoever violates division (A) of this section is guilty of 1261
trafficking in a fentanyl-related compound. The penalty for the 1262
offense shall be determined as follows: 1263

(a) Except as otherwise provided in division (C) (9) (b), 1264
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1265
a fentanyl-related compound is a felony of the fifth degree, and 1266
division (B) of section 2929.13 of the Revised Code applies in 1267
determining whether to impose a prison term on the offender. 1268

(b) Except as otherwise provided in division (C) (9) (c), 1269
(d), (e), (f), (g), or (h) of this section, if the offense was 1270
committed in the vicinity of a school or in the vicinity of a 1271
juvenile, trafficking in a fentanyl-related compound is a felony 1272
of the fourth degree, and division (C) of section 2929.13 of the 1273
Revised Code applies in determining whether to impose a prison 1274
term on the offender. 1275

(c) Except as otherwise provided in this division, if the 1276
amount of the drug involved equals or exceeds ten unit doses but 1277

is less than fifty unit doses or equals or exceeds one gram but 1278
is less than five grams, trafficking in a fentanyl-related 1279
compound is a felony of the fourth degree, and division (B) of 1280
section 2929.13 of the Revised Code applies in determining 1281
whether to impose a prison term for the offense. If the amount 1282
of the drug involved is within that range and if the offense was 1283
committed in the vicinity of a school or in the vicinity of a 1284
juvenile, trafficking in a fentanyl-related compound is a felony 1285
of the third degree, and there is a presumption for a prison 1286
term for the offense. 1287

(d) Except as otherwise provided in this division, if the 1288
amount of the drug involved equals or exceeds fifty unit doses 1289
but is less than one hundred unit doses or equals or exceeds 1290
five grams but is less than ten grams, trafficking in a 1291
fentanyl-related compound is a felony of the third degree, and 1292
there is a presumption for a prison term for the offense. If the 1293
amount of the drug involved is within that range and if the 1294
offense was committed in the vicinity of a school or in the 1295
vicinity of a juvenile, trafficking in a fentanyl-related 1296
compound is a felony of the second degree, and there is a 1297
presumption for a prison term for the offense. 1298

(e) Except as otherwise provided in this division, if the 1299
amount of the drug involved equals or exceeds one hundred unit 1300
doses but is less than two hundred unit doses or equals or 1301
exceeds ten grams but is less than twenty grams, trafficking in 1302
a fentanyl-related compound is a felony of the second degree, 1303
and the court shall impose as a mandatory prison term one of the 1304
prison terms prescribed for a felony of the second degree. If 1305
the amount of the drug involved is within that range and if the 1306
offense was committed in the vicinity of a school or in the 1307
vicinity of a juvenile, trafficking in a fentanyl-related 1308

compound is a felony of the first degree, and the court shall 1309
impose as a mandatory prison term one of the prison terms 1310
prescribed for a felony of the first degree. 1311

(f) If the amount of the drug involved equals or exceeds 1312
two hundred unit doses but is less than five hundred unit doses 1313
or equals or exceeds twenty grams but is less than fifty grams 1314
and regardless of whether the offense was committed in the 1315
vicinity of a school or in the vicinity of a juvenile, 1316
trafficking in a fentanyl-related compound is a felony of the 1317
first degree, and the court shall impose as a mandatory prison 1318
term one of the prison terms prescribed for a felony of the 1319
first degree. 1320

(g) If the amount of the drug involved equals or exceeds 1321
five hundred unit doses but is less than one thousand unit doses 1322
or equals or exceeds fifty grams but is less than one hundred 1323
grams and regardless of whether the offense was committed in the 1324
vicinity of a school or in the vicinity of a juvenile, 1325
trafficking in a fentanyl-related compound is a felony of the 1326
first degree, and the court shall impose as a mandatory prison 1327
term the maximum prison term prescribed for a felony of the 1328
first degree. 1329

(h) If the amount of the drug involved equals or exceeds 1330
one thousand unit doses or equals or exceeds one hundred grams 1331
and regardless of whether the offense was committed in the 1332
vicinity of a school or in the vicinity of a juvenile, 1333
trafficking in a fentanyl-related compound is a felony of the 1334
first degree, the offender is a major drug offender, and the 1335
court shall impose as a mandatory prison term the maximum prison 1336
term prescribed for a felony of the first degree. 1337

(10) If the drug involved in the violation is a compound, 1338

mixture, preparation, or substance that is a combination of a 1339
fentanyl-related compound and marihuana, one of the following 1340
applies: 1341

(a) Except as otherwise provided in division (C)(10)(b) of 1342
this section, the offender is guilty of trafficking in marihuana 1343
and shall be punished under division (C)(3) of this section. The 1344
offender is not guilty of trafficking in a fentanyl-related 1345
compound and shall not be charged with, convicted of, or 1346
punished under division (C)(9) of this section for trafficking 1347
in a fentanyl-related compound. 1348

(b) If the offender knows or has reason to know that the 1349
compound, mixture, preparation, or substance that is the drug 1350
involved contains a fentanyl-related compound, the offender is 1351
guilty of trafficking in a fentanyl-related compound and shall 1352
be punished under division (C)(9) of this section. 1353

(D) In addition to any prison term authorized or required 1354
by division (C) of this section and sections 2929.13 and 2929.14 1355
of the Revised Code, and in addition to any other sanction 1356
imposed for the offense under this section or sections 2929.11 1357
to 2929.18 of the Revised Code, the court that sentences an 1358
offender who is convicted of or pleads guilty to a violation of 1359
division (A) of this section may suspend the driver's or 1360
commercial driver's license or permit of the offender in 1361
accordance with division (G) of this section. However, if the 1362
offender pleaded guilty to or was convicted of a violation of 1363
section 4511.19 of the Revised Code or a substantially similar 1364
municipal ordinance or the law of another state or the United 1365
States arising out of the same set of circumstances as the 1366
violation, the court shall suspend the offender's driver's or 1367
commercial driver's license or permit in accordance with 1368

division (G) of this section. If applicable, the court also 1369
shall do the following: 1370

(1) If the violation of division (A) of this section is a 1371
felony of the first, second, or third degree, the court shall 1372
impose upon the offender the mandatory fine specified for the 1373
offense under division (B) (1) of section 2929.18 of the Revised 1374
Code unless, as specified in that division, the court determines 1375
that the offender is indigent. Except as otherwise provided in 1376
division (H) (1) of this section, a mandatory fine or any other 1377
fine imposed for a violation of this section is subject to 1378
division (F) of this section. If a person is charged with a 1379
violation of this section that is a felony of the first, second, 1380
or third degree, posts bail, and forfeits the bail, the clerk of 1381
the court shall pay the forfeited bail pursuant to divisions (D) 1382
(1) and (F) of this section, as if the forfeited bail was a fine 1383
imposed for a violation of this section. If any amount of the 1384
forfeited bail remains after that payment and if a fine is 1385
imposed under division (H) (1) of this section, the clerk of the 1386
court shall pay the remaining amount of the forfeited bail 1387
pursuant to divisions (H) (2) and (3) of this section, as if that 1388
remaining amount was a fine imposed under division (H) (1) of 1389
this section. 1390

(2) If the offender is a professionally licensed person, 1391
the court immediately shall comply with section 2925.38 of the 1392
Revised Code. 1393

(E) When a person is charged with the sale of or offer to 1394
sell a bulk amount or a multiple of a bulk amount of a 1395
controlled substance, the jury, or the court trying the accused, 1396
shall determine the amount of the controlled substance involved 1397
at the time of the offense and, if a guilty verdict is returned, 1398

shall return the findings as part of the verdict. In any such 1399
case, it is unnecessary to find and return the exact amount of 1400
the controlled substance involved, and it is sufficient if the 1401
finding and return is to the effect that the amount of the 1402
controlled substance involved is the requisite amount, or that 1403
the amount of the controlled substance involved is less than the 1404
requisite amount. 1405

(F) (1) Notwithstanding any contrary provision of section 1406
3719.21 of the Revised Code and except as provided in division 1407
(H) of this section, the clerk of the court shall pay any 1408
mandatory fine imposed pursuant to division (D) (1) of this 1409
section and any fine other than a mandatory fine that is imposed 1410
for a violation of this section pursuant to division (A) or (B) 1411
(5) of section 2929.18 of the Revised Code to the county, 1412
township, municipal corporation, park district, as created 1413
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1414
state law enforcement agencies in this state that primarily were 1415
responsible for or involved in making the arrest of, and in 1416
prosecuting, the offender. However, the clerk shall not pay a 1417
mandatory fine so imposed to a law enforcement agency unless the 1418
agency has adopted a written internal control policy under 1419
division (F) (2) of this section that addresses the use of the 1420
fine moneys that it receives. Each agency shall use the 1421
mandatory fines so paid to subsidize the agency's law 1422
enforcement efforts that pertain to drug offenses, in accordance 1423
with the written internal control policy adopted by the 1424
recipient agency under division (F) (2) of this section. 1425

(2) Prior to receiving any fine moneys under division (F) 1426
(1) of this section or division (B) of section 2925.42 of the 1427
Revised Code, a law enforcement agency shall adopt a written 1428
internal control policy that addresses the agency's use and 1429

disposition of all fine moneys so received and that provides for 1430
the keeping of detailed financial records of the receipts of 1431
those fine moneys, the general types of expenditures made out of 1432
those fine moneys, and the specific amount of each general type 1433
of expenditure. The policy shall not provide for or permit the 1434
identification of any specific expenditure that is made in an 1435
ongoing investigation. All financial records of the receipts of 1436
those fine moneys, the general types of expenditures made out of 1437
those fine moneys, and the specific amount of each general type 1438
of expenditure by an agency are public records open for 1439
inspection under section 149.43 of the Revised Code. 1440
Additionally, a written internal control policy adopted under 1441
this division is such a public record, and the agency that 1442
adopted it shall comply with it. 1443

(3) As used in division (F) of this section: 1444

(a) "Law enforcement agencies" includes, but is not 1445
limited to, the state board of pharmacy and the office of a 1446
prosecutor. 1447

(b) "Prosecutor" has the same meaning as in section 1448
2935.01 of the Revised Code. 1449

(G) (1) If the sentencing court suspends the offender's 1450
driver's or commercial driver's license or permit under division 1451
(D) of this section or any other provision of this chapter, the 1452
court shall suspend the license, by order, for not more than 1453
five years. If an offender's driver's or commercial driver's 1454
license or permit is suspended pursuant to this division, the 1455
offender, at any time after the expiration of two years from the 1456
day on which the offender's sentence was imposed or from the day 1457
on which the offender finally was released from a prison term 1458
under the sentence, whichever is later, may file a motion with 1459

the sentencing court requesting termination of the suspension; 1460
upon the filing of such a motion and the court's finding of good 1461
cause for the termination, the court may terminate the 1462
suspension. 1463

(2) Any offender who received a mandatory suspension of 1464
the offender's driver's or commercial driver's license or permit 1465
under this section prior to ~~the effective date of this amendment~~ 1466
September 13, 2016, may file a motion with the sentencing court 1467
requesting the termination of the suspension. However, an 1468
offender who pleaded guilty to or was convicted of a violation 1469
of section 4511.19 of the Revised Code or a substantially 1470
similar municipal ordinance or law of another state or the 1471
United States that arose out of the same set of circumstances as 1472
the violation for which the offender's license or permit was 1473
suspended under this section shall not file such a motion. 1474

Upon the filing of a motion under division (G) (2) of this 1475
section, the sentencing court, in its discretion, may terminate 1476
the suspension. 1477

(H) (1) In addition to any prison term authorized or 1478
required by division (C) of this section and sections 2929.13 1479
and 2929.14 of the Revised Code, in addition to any other 1480
penalty or sanction imposed for the offense under this section 1481
or sections 2929.11 to 2929.18 of the Revised Code, and in 1482
addition to the forfeiture of property in connection with the 1483
offense as prescribed in Chapter 2981. of the Revised Code, the 1484
court that sentences an offender who is convicted of or pleads 1485
guilty to a violation of division (A) of this section may impose 1486
upon the offender an additional fine specified for the offense 1487
in division (B) (4) of section 2929.18 of the Revised Code. A 1488
fine imposed under division (H) (1) of this section is not 1489

subject to division (F) of this section and shall be used solely 1490
for the support of one or more eligible community addiction 1491
services providers in accordance with divisions (H) (2) and (3) 1492
of this section. 1493

(2) The court that imposes a fine under division (H) (1) of 1494
this section shall specify in the judgment that imposes the fine 1495
one or more eligible community addiction services providers for 1496
the support of which the fine money is to be used. No community 1497
addiction services provider shall receive or use money paid or 1498
collected in satisfaction of a fine imposed under division (H) 1499
(1) of this section unless the services provider is specified in 1500
the judgment that imposes the fine. No community addiction 1501
services provider shall be specified in the judgment unless the 1502
services provider is an eligible community addiction services 1503
provider and, except as otherwise provided in division (H) (2) of 1504
this section, unless the services provider is located in the 1505
county in which the court that imposes the fine is located or in 1506
a county that is immediately contiguous to the county in which 1507
that court is located. If no eligible community addiction 1508
services provider is located in any of those counties, the 1509
judgment may specify an eligible community addiction services 1510
provider that is located anywhere within this state. 1511

(3) Notwithstanding any contrary provision of section 1512
3719.21 of the Revised Code, the clerk of the court shall pay 1513
any fine imposed under division (H) (1) of this section to the 1514
eligible community addiction services provider specified 1515
pursuant to division (H) (2) of this section in the judgment. The 1516
eligible community addiction services provider that receives the 1517
fine moneys shall use the moneys only for the alcohol and drug 1518
addiction services identified in the application for 1519
certification of services under section 5119.36 of the Revised 1520

Code or in the application for a license under section 5119.391 1521
of the Revised Code filed with the department of mental health 1522
and addiction services by the community addiction services 1523
provider specified in the judgment. 1524

(4) Each community addiction services provider that 1525
receives in a calendar year any fine moneys under division (H) 1526
(3) of this section shall file an annual report covering that 1527
calendar year with the court of common pleas and the board of 1528
county commissioners of the county in which the services 1529
provider is located, with the court of common pleas and the 1530
board of county commissioners of each county from which the 1531
services provider received the moneys if that county is 1532
different from the county in which the services provider is 1533
located, and with the attorney general. The community addiction 1534
services provider shall file the report no later than the first 1535
day of March in the calendar year following the calendar year in 1536
which the services provider received the fine moneys. The report 1537
shall include statistics on the number of persons served by the 1538
community addiction services provider, identify the types of 1539
alcohol and drug addiction services provided to those persons, 1540
and include a specific accounting of the purposes for which the 1541
fine moneys received were used. No information contained in the 1542
report shall identify, or enable a person to determine the 1543
identity of, any person served by the community addiction 1544
services provider. Each report received by a court of common 1545
pleas, a board of county commissioners, or the attorney general 1546
is a public record open for inspection under section 149.43 of 1547
the Revised Code. 1548

(5) As used in divisions (H) (1) to (5) of this section: 1549

(a) "Community addiction services provider" and "alcohol 1550

and drug addiction services" have the same meanings as in 1551
section 5119.01 of the Revised Code. 1552

(b) "Eligible community addiction services provider" means 1553
a community addiction services provider, as defined in section 1554
5119.01 of the Revised Code, or a community addiction services 1555
provider that maintains a methadone treatment program licensed 1556
under section 5119.391 of the Revised Code. 1557

(I) As used in this section, "drug" includes any substance 1558
that is represented to be a drug. 1559

(J) It is an affirmative defense to a charge of 1560
trafficking in a controlled substance analog under division (C) 1561
(8) of this section that the person charged with violating that 1562
offense sold or offered to sell, or prepared for shipment, 1563
shipped, transported, delivered, prepared for distribution, or 1564
distributed an item described in division (HH) (2) (a), (b), or 1565
(c) of section 3719.01 of the Revised Code. 1566

Sec. 2925.04. (A) No person shall knowingly cultivate 1567
marihuana or knowingly manufacture or otherwise engage in any 1568
part of the production of a controlled substance. 1569

(B) This section does not apply to any person listed in 1570
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1571
Code to the extent and under the circumstances described in 1572
those divisions. 1573

(C) (1) Whoever commits a violation of division (A) of this 1574
section that involves any drug other than marihuana is guilty of 1575
illegal manufacture of drugs, and whoever commits a violation of 1576
division (A) of this section that involves marihuana is guilty 1577
of illegal cultivation of marihuana. 1578

(2) Except as otherwise provided in this division, if the 1579

drug involved in the violation of division (A) of this section 1580
is any compound, mixture, preparation, or substance included in 1581
schedule I or II, with the exception of methamphetamine or 1582
marihuana, illegal manufacture of drugs is a felony of the 1583
second degree, and, subject to division (E) of this section, the 1584
court shall impose as a mandatory prison term one of the prison 1585
terms prescribed for a felony of the second degree. 1586

If the drug involved in the violation is any compound, 1587
mixture, preparation, or substance included in schedule I or II, 1588
with the exception of methamphetamine or marihuana, and if the 1589
offense was committed in the vicinity of a juvenile or in the 1590
vicinity of a school, illegal manufacture of drugs is a felony 1591
of the first degree, and, subject to division (E) of this 1592
section, the court shall impose as a mandatory prison term one 1593
of the prison terms prescribed for a felony of the first degree. 1594

(3) If the drug involved in the violation of division (A) 1595
of this section is methamphetamine, the penalty for the 1596
violation shall be determined as follows: 1597

(a) Except as otherwise provided in division (C) (3) (b) of 1598
this section, if the drug involved in the violation is 1599
methamphetamine, illegal manufacture of drugs is a felony of the 1600
second degree, and, subject to division (E) of this section, the 1601
court shall impose a mandatory prison term on the offender 1602
determined in accordance with this division. Except as otherwise 1603
provided in this division, the court shall impose as a mandatory 1604
prison term one of the prison terms prescribed for a felony of 1605
the second degree that is not less than three years. If the 1606
offender previously has been convicted of or pleaded guilty to a 1607
violation of division (A) of this section, a violation of 1608
division (B) (6) of section 2919.22 of the Revised Code, or a 1609

violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree that is not less than five years.

(b) If the drug involved in the violation is methamphetamine and if the offense was committed in the vicinity of a juvenile, in the vicinity of a school, or on public premises, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than four years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B)(6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree that is not less than five years.

(4) If the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule III, IV, or V, illegal manufacture of drugs is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.

(5) If the drug involved in the violation is marihuana, the penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (5) (b), 1640
(c), (d), (e), or (f) of this section, illegal cultivation of 1641
marihuana is a minor misdemeanor or, if the offense was 1642
committed in the vicinity of a school or in the vicinity of a 1643
juvenile, a misdemeanor of the fourth degree. 1644

(b) If the amount of marihuana involved equals or exceeds 1645
one hundred grams but is less than two hundred grams, illegal 1646
cultivation of marihuana is a misdemeanor of the fourth degree 1647
or, if the offense was committed in the vicinity of a school or 1648
in the vicinity of a juvenile, a misdemeanor of the third 1649
degree. 1650

(c) If the amount of marihuana involved equals or exceeds 1651
two hundred grams but is less than one thousand grams, illegal 1652
cultivation of marihuana is a felony of the fifth degree or, if 1653
the offense was committed in the vicinity of a school or in the 1654
vicinity of a juvenile, a felony of the fourth degree, and 1655
division (B) of section 2929.13 of the Revised Code applies in 1656
determining whether to impose a prison term on the offender. 1657

(d) If the amount of marihuana involved equals or exceeds 1658
one thousand grams but is less than five thousand grams, illegal 1659
cultivation of marihuana is a felony of the third degree or, if 1660
the offense was committed in the vicinity of a school or in the 1661
vicinity of a juvenile, a felony of the second degree, and 1662
division (C) of section 2929.13 of the Revised Code applies in 1663
determining whether to impose a prison term on the offender. 1664

(e) If the amount of marihuana involved equals or exceeds 1665
five thousand grams but is less than twenty thousand grams, 1666
illegal cultivation of marihuana is a felony of the third degree 1667
or, if the offense was committed in the vicinity of a school or 1668
in the vicinity of a juvenile, a felony of the second degree, 1669

and there is a presumption for a prison term for the offense. 1670

(f) Except as otherwise provided in this division, if the 1671
amount of marihuana involved equals or exceeds twenty thousand 1672
grams, illegal cultivation of marihuana is a felony of the 1673
second degree, and the court shall impose as a mandatory prison 1674
term the maximum prison term prescribed for a felony of the 1675
second degree. If the amount of the drug involved equals or 1676
exceeds twenty thousand grams and if the offense was committed 1677
in the vicinity of a school or in the vicinity of a juvenile, 1678
illegal cultivation of marihuana is a felony of the first 1679
degree, and the court shall impose as a mandatory prison term 1680
the maximum prison term prescribed for a felony of the first 1681
degree. 1682

(D) In addition to any prison term authorized or required 1683
by division (C) or (E) of this section and sections 2929.13 and 1684
2929.14 of the Revised Code and in addition to any other 1685
sanction imposed for the offense under this section or sections 1686
2929.11 to 2929.18 of the Revised Code, the court that sentences 1687
an offender who is convicted of or pleads guilty to a violation 1688
of division (A) of this section may suspend the offender's 1689
driver's or commercial driver's license or permit in accordance 1690
with division (G) of section 2925.03 of the Revised Code. 1691
However, if the offender pleaded guilty to or was convicted of a 1692
violation of section 4511.19 of the Revised Code or a 1693
substantially similar municipal ordinance or the law of another 1694
state or the United States arising out of the same set of 1695
circumstances as the violation, the court shall suspend the 1696
offender's driver's or commercial driver's license or permit in 1697
accordance with division (G) of section 2925.03 of the Revised 1698
Code. If applicable, the court also shall do the following: 1699

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person, the court immediately shall comply with section 2925.38 of the Revised Code.

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B)

(3) of section 2929.14 of the Revised Code. 1731

(F) It is an affirmative defense, as provided in section 1732
2901.05 of the Revised Code, to a charge under this section for 1733
a fifth degree felony violation of illegal cultivation of 1734
marihuana that the marihuana that gave rise to the charge is in 1735
an amount, is in a form, is prepared, compounded, or mixed with 1736
substances that are not controlled substances in a manner, or is 1737
possessed or cultivated under any other circumstances that 1738
indicate that the marihuana was solely for personal use. 1739

Notwithstanding any contrary provision of division (F) of 1740
this section, if, in accordance with section 2901.05 of the 1741
Revised Code, a person who is charged with a violation of 1742
illegal cultivation of marihuana that is a felony of the fifth 1743
degree sustains the burden of going forward with evidence of and 1744
establishes by a preponderance of the evidence the affirmative 1745
defense described in this division, the person may be prosecuted 1746
for and may be convicted of or plead guilty to a misdemeanor 1747
violation of illegal cultivation of marihuana. 1748

(G) Arrest or conviction for a minor misdemeanor violation 1749
of this section does not constitute a criminal record and need 1750
not be reported by the person so arrested or convicted in 1751
response to any inquiries about the person's criminal record, 1752
including any inquiries contained in an application for 1753
employment, a license, or any other right or privilege or made 1754
in connection with the person's appearance as a witness. 1755

(H) (1) If the sentencing court suspends the offender's 1756
driver's or commercial driver's license or permit under this 1757
section in accordance with division (G) of section 2925.03 of 1758
the Revised Code, the offender may request termination of, and 1759
the court may terminate, the suspension of the offender in 1760

accordance with that division. 1761

(2) Any offender who received a mandatory suspension of 1762
the offender's driver's or commercial driver's license or permit 1763
under this section prior to ~~the effective date of this amendment~~ 1764
September 13, 2016, may file a motion with the sentencing court 1765
requesting the termination of the suspension. However, an 1766
offender who pleaded guilty to or was convicted of a violation 1767
of section 4511.19 of the Revised Code or a substantially 1768
similar municipal ordinance or law of another state or the 1769
United States that arose out of the same set of circumstances as 1770
the violation for which the offender's license or permit was 1771
suspended under this section shall not file such a motion. 1772

Upon the filing of a motion under division (H) (2) of this 1773
section, the sentencing court, in its discretion, may terminate 1774
the suspension. 1775

Sec. 2925.05. (A) No person shall knowingly provide money 1776
or other items of value to another person with the purpose that 1777
the recipient of the money or items of value use them to obtain 1778
any controlled substance for the purpose of violating section 1779
2925.04 of the Revised Code or for the purpose of selling or 1780
offering to sell the controlled substance in the following 1781
amount: 1782

(1) If the drug to be sold or offered for sale is any 1783
compound, mixture, preparation, or substance included in 1784
schedule I or II, with the exception of marihuana, cocaine, 1785
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1786
schedule III, IV, or V, an amount of the drug that equals or 1787
exceeds the bulk amount of the drug; 1788

(2) If the drug to be sold or offered for sale is 1789

marihuana or a compound, mixture, preparation, or substance 1790
other than hashish containing marihuana, an amount of the 1791
marihuana that equals or exceeds two hundred grams; 1792

(3) If the drug to be sold or offered for sale is cocaine 1793
or a compound, mixture, preparation, or substance containing 1794
cocaine, an amount of the cocaine that equals or exceeds five 1795
grams; 1796

(4) If the drug to be sold or offered for sale is L.S.D. 1797
or a compound, mixture, preparation, or substance containing 1798
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1799
doses if the L.S.D. is in a solid form or equals or exceeds one 1800
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1801
or liquid distillate form; 1802

(5) If the drug to be sold or offered for sale is heroin 1803
or a fentanyl-related compound, or a compound, mixture, 1804
preparation, or substance containing heroin or a fentanyl- 1805
related compound, an amount ~~of the heroin~~ that equals or exceeds 1806
ten unit doses or equals or exceeds one gram; 1807

(6) If the drug to be sold or offered for sale is hashish 1808
or a compound, mixture, preparation, or substance containing 1809
hashish, an amount of the hashish that equals or exceeds ten 1810
grams if the hashish is in a solid form or equals or exceeds two 1811
grams if the hashish is in a liquid concentrate, liquid extract, 1812
or liquid distillate form. 1813

(B) This section does not apply to any person listed in 1814
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1815
Code to the extent and under the circumstances described in 1816
those divisions. 1817

(C)(1) If the drug involved in the violation is any 1818

compound, mixture, preparation, or substance included in 1819
schedule I or II, with the exception of marihuana, whoever 1820
violates division (A) of this section is guilty of aggravated 1821
funding of drug trafficking, a felony of the first degree, and, 1822
subject to division (E) of this section, the court shall impose 1823
as a mandatory prison term one of the prison terms prescribed 1824
for a felony of the first degree. 1825

(2) If the drug involved in the violation is any compound, 1826
mixture, preparation, or substance included in schedule III, IV, 1827
or V, whoever violates division (A) of this section is guilty of 1828
funding of drug trafficking, a felony of the second degree, and 1829
the court shall impose as a mandatory prison term one of the 1830
prison terms prescribed for a felony of the second degree. 1831

(3) If the drug involved in the violation is marihuana, 1832
whoever violates division (A) of this section is guilty of 1833
funding of marihuana trafficking, a felony of the third degree, 1834
and, except as otherwise provided in this division, there is a 1835
presumption for a prison term for the offense. If funding of 1836
marihuana trafficking is a felony of the third degree under this 1837
division and if the offender two or more times previously has 1838
been convicted of or pleaded guilty to a felony drug abuse 1839
offense, the court shall impose as a mandatory prison term one 1840
of the prison terms prescribed for a felony of the third degree. 1841

(D) In addition to any prison term authorized or required 1842
by division (C) or (E) of this section and sections 2929.13 and 1843
2929.14 of the Revised Code and in addition to any other 1844
sanction imposed for the offense under this section or sections 1845
2929.11 to 2929.18 of the Revised Code, the court that sentences 1846
an offender who is convicted of or pleads guilty to a violation 1847
of division (A) of this section may suspend the offender's 1848

driver's or commercial driver's license or permit in accordance 1849
with division (G) of section 2925.03 of the Revised Code. 1850
However, if the offender pleaded guilty to or was convicted of a 1851
violation of section 4511.19 of the Revised Code or a 1852
substantially similar municipal ordinance or the law of another 1853
state or the United States arising out of the same set of 1854
circumstances as the violation, the court shall suspend the 1855
offender's driver's or commercial driver's license or permit in 1856
accordance with division (G) of section 2925.03 of the Revised 1857
Code. If applicable, the court also shall do the following: 1858

(1) The court shall impose the mandatory fine specified 1859
for the offense under division (B)(1) of section 2929.18 of the 1860
Revised Code unless, as specified in that division, the court 1861
determines that the offender is indigent. The clerk of the court 1862
shall pay a mandatory fine or other fine imposed for a violation 1863
of this section pursuant to division (A) of section 2929.18 of 1864
the Revised Code in accordance with and subject to the 1865
requirements of division (F) of section 2925.03 of the Revised 1866
Code. The agency that receives the fine shall use the fine in 1867
accordance with division (F) of section 2925.03 of the Revised 1868
Code. If a person is charged with a violation of this section, 1869
posts bail, and forfeits the bail, the forfeited bail shall be 1870
paid as if the forfeited bail were a fine imposed for a 1871
violation of this section. 1872

(2) If the offender is a professionally licensed person, 1873
the court immediately shall comply with section 2925.38 of the 1874
Revised Code. 1875

(E) Notwithstanding the prison term otherwise authorized 1876
or required for the offense under division (C) of this section 1877
and sections 2929.13 and 2929.14 of the Revised Code, if the 1878

violation of division (A) of this section involves the sale, 1879
offer to sell, or possession of a schedule I or II controlled 1880
substance, with the exception of marihuana, ~~and if one of the~~ 1881
following applies: 1882

(1) If the drug involved in the violation is a fentanyl- 1883
related compound, the offense is a felony of the first degree, 1884
the offender is a major drug offender, and the court shall 1885
impose as a mandatory prison term the maximum prison term 1886
prescribed for a felony of the first degree. 1887

(2) If division (E)(1) of this section does not apply and 1888
the court imposing sentence upon the offender finds that the 1889
offender as a result of the violation is a major drug offender 1890
and is guilty of a specification of the type described in 1891
division (A) of section 2941.1410 of the Revised Code, the 1892
court, in lieu of the prison term otherwise authorized or 1893
required, shall impose upon the offender the mandatory prison 1894
term specified in division (B) (3) of section 2929.14 of the 1895
Revised Code. 1896

(F) (1) If the sentencing court suspends the offender's 1897
driver's or commercial driver's license or permit under this 1898
section in accordance with division (G) of section 2925.03 of 1899
the Revised Code, the offender may request termination of, and 1900
the court may terminate, the suspension in accordance with that 1901
division. 1902

(2) Any offender who received a mandatory suspension of 1903
the offender's driver's or commercial driver's license or permit 1904
under this section prior to ~~the effective date of this amendment~~ 1905
September 13, 2016, may file a motion with the sentencing court 1906
requesting the termination of the suspension. However, an 1907
offender who pleaded guilty to or was convicted of a violation 1908

of section 4511.19 of the Revised Code or a substantially 1909
similar municipal ordinance or law of another state or the 1910
United States that arose out of the same set of circumstances as 1911
the violation for which the offender's license or permit was 1912
suspended under this section shall not file such a motion. 1913

Upon the filing of a motion under division (F)(2) of this 1914
section, the sentencing court, in its discretion, may terminate 1915
the suspension. 1916

Sec. 2925.11. (A) No person shall knowingly obtain, 1917
possess, or use a controlled substance or a controlled substance 1918
analog. 1919

(B)(1) This section does not apply to any of the 1920
following: 1921

(a) Manufacturers, licensed health professionals 1922
authorized to prescribe drugs, pharmacists, owners of 1923
pharmacies, and other persons whose conduct was in accordance 1924
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1925
4741. of the Revised Code; 1926

(b) If the offense involves an anabolic steroid, any 1927
person who is conducting or participating in a research project 1928
involving the use of an anabolic steroid if the project has been 1929
approved by the United States food and drug administration; 1930

(c) Any person who sells, offers for sale, prescribes, 1931
dispenses, or administers for livestock or other nonhuman 1932
species an anabolic steroid that is expressly intended for 1933
administration through implants to livestock or other nonhuman 1934
species and approved for that purpose under the "Federal Food, 1935
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1936
as amended, and is sold, offered for sale, prescribed, 1937

dispensed, or administered for that purpose in accordance with	1938
that act;	1939
(d) Any person who obtained the controlled substance	1940
pursuant to a lawful prescription issued by a licensed health	1941
professional authorized to prescribe drugs.	1942
(2) (a) As used in division (B) (2) of this section:	1943
(i) "Community addiction services provider" has the same	1944
meaning as in section 5119.01 of the Revised Code.	1945
(ii) "Community control sanction" and "drug treatment	1946
program" have the same meanings as in section 2929.01 of the	1947
Revised Code.	1948
(iii) "Health care facility" has the same meaning as in	1949
section 2919.16 of the Revised Code.	1950
(iv) "Minor drug possession offense" means a violation of	1951
this section that is a misdemeanor or a felony of the fifth	1952
degree.	1953
(v) "Post-release control sanction" has the same meaning	1954
as in section 2967.28 of the Revised Code.	1955
(vi) "Peace officer" has the same meaning as in section	1956
2935.01 of the Revised Code.	1957
(vii) "Public agency" has the same meaning as in section	1958
2930.01 of the Revised Code.	1959
(viii) "Qualified individual" means a person who is not on	1960
community control or post-release control and is a person acting	1961
in good faith who seeks or obtains medical assistance for	1962
another person who is experiencing a drug overdose, a person who	1963
experiences a drug overdose and who seeks medical assistance for	1964

that overdose, or a person who is the subject of another person 1965
seeking or obtaining medical assistance for that overdose as 1966
described in division (B) (2) (b) of this section. 1967

(ix) "Seek or obtain medical assistance" includes, but is 1968
not limited to making a 9-1-1 call, contacting in person or by 1969
telephone call an on-duty peace officer, or transporting or 1970
presenting a person to a health care facility. 1971

(b) Subject to division (B) (2) (f) of this section, a 1972
qualified individual shall not be arrested, charged, prosecuted, 1973
convicted, or penalized pursuant to this chapter for a minor 1974
drug possession offense if all of the following apply: 1975

(i) The evidence of the obtaining, possession, or use of 1976
the controlled substance or controlled substance analog that 1977
would be the basis of the offense was obtained as a result of 1978
the qualified individual seeking the medical assistance or 1979
experiencing an overdose and needing medical assistance. 1980

(ii) Subject to division (B) (2) (g) of this section, within 1981
thirty days after seeking or obtaining the medical assistance, 1982
the qualified individual seeks and obtains a screening and 1983
receives a referral for treatment from a community addiction 1984
services provider or a properly credentialed addiction treatment 1985
professional. 1986

(iii) Subject to division (B) (2) (g) of this section, the 1987
qualified individual who obtains a screening and receives a 1988
referral for treatment under division (B) (2) (b) (ii) of this 1989
section, upon the request of any prosecuting attorney, submits 1990
documentation to the prosecuting attorney that verifies that the 1991
qualified individual satisfied the requirements of that 1992
division. The documentation shall be limited to the date and 1993

time of the screening obtained and referral received. 1994

(c) If a person is found to be in violation of any 1995
community control sanction and if the violation is a result of 1996
either of the following, the court shall first consider ordering 1997
the person's participation or continued participation in a drug 1998
treatment program or mitigating the penalty specified in section 1999
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2000
applicable, after which the court has the discretion either to 2001
order the person's participation or continued participation in a 2002
drug treatment program or to impose the penalty with the 2003
mitigating factor specified in any of those applicable sections: 2004

(i) Seeking or obtaining medical assistance in good faith 2005
for another person who is experiencing a drug overdose; 2006

(ii) Experiencing a drug overdose and seeking medical 2007
assistance for that overdose or being the subject of another 2008
person seeking or obtaining medical assistance for that overdose 2009
as described in division (B) (2) (b) of this section. 2010

(d) If a person is found to be in violation of any post- 2011
release control sanction and if the violation is a result of 2012
either of the following, the court or the parole board shall 2013
first consider ordering the person's participation or continued 2014
participation in a drug treatment program or mitigating the 2015
penalty specified in section 2929.141 or 2967.28 of the Revised 2016
Code, whichever is applicable, after which the court or the 2017
parole board has the discretion either to order the person's 2018
participation or continued participation in a drug treatment 2019
program or to impose the penalty with the mitigating factor 2020
specified in either of those applicable sections: 2021

(i) Seeking or obtaining medical assistance in good faith 2022

for another person who is experiencing a drug overdose;	2023
(ii) Experiencing a drug overdose and seeking medical	2024
assistance for that emergency or being the subject of another	2025
person seeking or obtaining medical assistance for that overdose	2026
as described in division (B) (2) (b) of this section.	2027
(e) Nothing in division (B) (2) (b) of this section shall be	2028
construed to do any of the following:	2029
(i) Limit the admissibility of any evidence in connection	2030
with the investigation or prosecution of a crime with regards to	2031
a defendant who does not qualify for the protections of division	2032
(B) (2) (b) of this section or with regards to any crime other	2033
than a minor drug possession offense committed by a person who	2034
qualifies for protection pursuant to division (B) (2) (b) of this	2035
section for a minor drug possession offense;	2036
(ii) Limit any seizure of evidence or contraband otherwise	2037
permitted by law;	2038
(iii) Limit or abridge the authority of a peace officer to	2039
detain or take into custody a person in the course of an	2040
investigation or to effectuate an arrest for any offense except	2041
as provided in that division;	2042
(iv) Limit, modify, or remove any immunity from liability	2043
available pursuant to law in effect prior to the effective date	2044
of this amendment <u>September 13, 2016,</u> to any public agency or to	2045
an employee of any public agency.	2046
(f) Division (B) (2) (b) of this section does not apply to	2047
any person who twice previously has been granted an immunity	2048
under division (B) (2) (b) of this section. No person shall be	2049
granted an immunity under division (B) (2) (b) of this section	2050
more than two times.	2051

(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.

(C) Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, hashish, and any controlled substance analogs analog, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (1) (b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second

degree, and the court shall impose as a mandatory prison term 2081
one of the prison terms prescribed for a felony of the second 2082
degree. 2083

(d) If the amount of the drug involved equals or exceeds 2084
fifty times the bulk amount but is less than one hundred times 2085
the bulk amount, aggravated possession of drugs is a felony of 2086
the first degree, and the court shall impose as a mandatory 2087
prison term one of the prison terms prescribed for a felony of 2088
the first degree. 2089

(e) If the amount of the drug involved equals or exceeds 2090
one hundred times the bulk amount, aggravated possession of 2091
drugs is a felony of the first degree, the offender is a major 2092
drug offender, and the court shall impose as a mandatory prison 2093
term the maximum prison term prescribed for a felony of the 2094
first degree. 2095

(2) If the drug involved in the violation is a compound, 2096
mixture, preparation, or substance included in schedule III, IV, 2097
or V, whoever violates division (A) of this section is guilty of 2098
possession of drugs. The penalty for the offense shall be 2099
determined as follows: 2100

(a) Except as otherwise provided in division (C) (2) (b), 2101
(c), or (d) of this section, possession of drugs is a 2102
misdemeanor of the first degree or, if the offender previously 2103
has been convicted of a drug abuse offense, a felony of the 2104
fifth degree. 2105

(b) If the amount of the drug involved equals or exceeds 2106
the bulk amount but is less than five times the bulk amount, 2107
possession of drugs is a felony of the fourth degree, and 2108
division (C) of section 2929.13 of the Revised Code applies in 2109

determining whether to impose a prison term on the offender. 2110

(c) If the amount of the drug involved equals or exceeds 2111
five times the bulk amount but is less than fifty times the bulk 2112
amount, possession of drugs is a felony of the third degree, and 2113
there is a presumption for a prison term for the offense. 2114

(d) If the amount of the drug involved equals or exceeds 2115
fifty times the bulk amount, possession of drugs is a felony of 2116
the second degree, and the court shall impose upon the offender 2117
as a mandatory prison term one of the prison terms prescribed 2118
for a felony of the second degree. 2119

(3) If the drug involved in the violation is marihuana or 2120
a compound, mixture, preparation, or substance containing 2121
marihuana other than hashish, whoever violates division (A) of 2122
this section is guilty of possession of marihuana. The penalty 2123
for the offense shall be determined as follows: 2124

(a) Except as otherwise provided in division (C) (3) (b), 2125
(c), (d), (e), (f), or (g) of this section, possession of 2126
marihuana is a minor misdemeanor. 2127

(b) If the amount of the drug involved equals or exceeds 2128
one hundred grams but is less than two hundred grams, possession 2129
of marihuana is a misdemeanor of the fourth degree. 2130

(c) If the amount of the drug involved equals or exceeds 2131
two hundred grams but is less than one thousand grams, 2132
possession of marihuana is a felony of the fifth degree, and 2133
division (B) of section 2929.13 of the Revised Code applies in 2134
determining whether to impose a prison term on the offender. 2135

(d) If the amount of the drug involved equals or exceeds 2136
one thousand grams but is less than five thousand grams, 2137
possession of marihuana is a felony of the third degree, and 2138

division (C) of section 2929.13 of the Revised Code applies in 2139
determining whether to impose a prison term on the offender. 2140

(e) If the amount of the drug involved equals or exceeds 2141
five thousand grams but is less than twenty thousand grams, 2142
possession of marihuana is a felony of the third degree, and 2143
there is a presumption that a prison term shall be imposed for 2144
the offense. 2145

(f) If the amount of the drug involved equals or exceeds 2146
twenty thousand grams but is less than forty thousand grams, 2147
possession of marihuana is a felony of the second degree, and 2148
the court shall impose a mandatory prison term of five, six, 2149
seven, or eight years. 2150

(g) If the amount of the drug involved equals or exceeds 2151
forty thousand grams, possession of marihuana is a felony of the 2152
second degree, and the court shall impose as a mandatory prison 2153
term the maximum prison term prescribed for a felony of the 2154
second degree. 2155

(4) If the drug involved in the violation is cocaine or a 2156
compound, mixture, preparation, or substance containing cocaine, 2157
whoever violates division (A) of this section is guilty of 2158
possession of cocaine. The penalty for the offense shall be 2159
determined as follows: 2160

(a) Except as otherwise provided in division (C) (4) (b), 2161
(c), (d), (e), or (f) of this section, possession of cocaine is 2162
a felony of the fifth degree, and division (B) of section 2163
2929.13 of the Revised Code applies in determining whether to 2164
impose a prison term on the offender. 2165

(b) If the amount of the drug involved equals or exceeds 2166
five grams but is less than ten grams of cocaine, possession of 2167

cocaine is a felony of the fourth degree, and division (B) of 2168
section 2929.13 of the Revised Code applies in determining 2169
whether to impose a prison term on the offender. 2170

(c) If the amount of the drug involved equals or exceeds 2171
ten grams but is less than twenty grams of cocaine, possession 2172
of cocaine is a felony of the third degree, and, except as 2173
otherwise provided in this division, there is a presumption for 2174
a prison term for the offense. If possession of cocaine is a 2175
felony of the third degree under this division and if the 2176
offender two or more times previously has been convicted of or 2177
pleaded guilty to a felony drug abuse offense, the court shall 2178
impose as a mandatory prison term one of the prison terms 2179
prescribed for a felony of the third degree. 2180

(d) If the amount of the drug involved equals or exceeds 2181
twenty grams but is less than twenty-seven grams of cocaine, 2182
possession of cocaine is a felony of the second degree, and the 2183
court shall impose as a mandatory prison term one of the prison 2184
terms prescribed for a felony of the second degree. 2185

(e) If the amount of the drug involved equals or exceeds 2186
twenty-seven grams but is less than one hundred grams of 2187
cocaine, possession of cocaine is a felony of the first degree, 2188
and the court shall impose as a mandatory prison term one of the 2189
prison terms prescribed for a felony of the first degree. 2190

(f) If the amount of the drug involved equals or exceeds 2191
one hundred grams of cocaine, possession of cocaine is a felony 2192
of the first degree, the offender is a major drug offender, and 2193
the court shall impose as a mandatory prison term the maximum 2194
prison term prescribed for a felony of the first degree. 2195

(5) If the drug involved in the violation is L.S.D., 2196

whoever violates division (A) of this section is guilty of 2197
possession of L.S.D. The penalty for the offense shall be 2198
determined as follows: 2199

(a) Except as otherwise provided in division (C) (5) (b), 2200
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2201
felony of the fifth degree, and division (B) of section 2929.13 2202
of the Revised Code applies in determining whether to impose a 2203
prison term on the offender. 2204

(b) If the amount of L.S.D. involved equals or exceeds ten 2205
unit doses but is less than fifty unit doses of L.S.D. in a 2206
solid form or equals or exceeds one gram but is less than five 2207
grams of L.S.D. in a liquid concentrate, liquid extract, or 2208
liquid distillate form, possession of L.S.D. is a felony of the 2209
fourth degree, and division (C) of section 2929.13 of the 2210
Revised Code applies in determining whether to impose a prison 2211
term on the offender. 2212

(c) If the amount of L.S.D. involved equals or exceeds 2213
fifty unit doses, but is less than two hundred fifty unit doses 2214
of L.S.D. in a solid form or equals or exceeds five grams but is 2215
less than twenty-five grams of L.S.D. in a liquid concentrate, 2216
liquid extract, or liquid distillate form, possession of L.S.D. 2217
is a felony of the third degree, and there is a presumption for 2218
a prison term for the offense. 2219

(d) If the amount of L.S.D. involved equals or exceeds two 2220
hundred fifty unit doses but is less than one thousand unit 2221
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2222
grams but is less than one hundred grams of L.S.D. in a liquid 2223
concentrate, liquid extract, or liquid distillate form, 2224
possession of L.S.D. is a felony of the second degree, and the 2225
court shall impose as a mandatory prison term one of the prison 2226

terms prescribed for a felony of the second degree. 2227

(e) If the amount of L.S.D. involved equals or exceeds one 2228
thousand unit doses but is less than five thousand unit doses of 2229
L.S.D. in a solid form or equals or exceeds one hundred grams 2230
but is less than five hundred grams of L.S.D. in a liquid 2231
concentrate, liquid extract, or liquid distillate form, 2232
possession of L.S.D. is a felony of the first degree, and the 2233
court shall impose as a mandatory prison term one of the prison 2234
terms prescribed for a felony of the first degree. 2235

(f) If the amount of L.S.D. involved equals or exceeds 2236
five thousand unit doses of L.S.D. in a solid form or equals or 2237
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2238
liquid extract, or liquid distillate form, possession of L.S.D. 2239
is a felony of the first degree, the offender is a major drug 2240
offender, and the court shall impose as a mandatory prison term 2241
the maximum prison term prescribed for a felony of the first 2242
degree. 2243

(6) If the drug involved in the violation is heroin or a 2244
compound, mixture, preparation, or substance containing heroin, 2245
whoever violates division (A) of this section is guilty of 2246
possession of heroin. The penalty for the offense shall be 2247
determined as follows: 2248

(a) Except as otherwise provided in division (C) (6) (b), 2249
(c), (d), (e), or (f) of this section, possession of heroin is a 2250
felony of the fifth degree, and division (B) of section 2929.13 2251
of the Revised Code applies in determining whether to impose a 2252
prison term on the offender. 2253

(b) If the amount of the drug involved equals or exceeds 2254
ten unit doses but is less than fifty unit doses or equals or 2255

exceeds one gram but is less than five grams, possession of 2256
heroin is a felony of the fourth degree, and division (C) of 2257
section 2929.13 of the Revised Code applies in determining 2258
whether to impose a prison term on the offender. 2259

(c) If the amount of the drug involved equals or exceeds 2260
fifty unit doses but is less than one hundred unit doses or 2261
equals or exceeds five grams but is less than ten grams, 2262
possession of heroin is a felony of the third degree, and there 2263
is a presumption for a prison term for the offense. 2264

(d) If the amount of the drug involved equals or exceeds 2265
one hundred unit doses but is less than five hundred unit doses 2266
or equals or exceeds ten grams but is less than fifty grams, 2267
possession of heroin is a felony of the second degree, and the 2268
court shall impose as a mandatory prison term one of the prison 2269
terms prescribed for a felony of the second degree. 2270

(e) If the amount of the drug involved equals or exceeds 2271
five hundred unit doses but is less than one thousand unit doses 2272
or equals or exceeds fifty grams but is less than one hundred 2273
grams, possession of heroin is a felony of the first degree, and 2274
the court shall impose as a mandatory prison term one of the 2275
prison terms prescribed for a felony of the first degree. 2276

(f) If the amount of the drug involved equals or exceeds 2277
one thousand unit doses or equals or exceeds one hundred grams, 2278
possession of heroin is a felony of the first degree, the 2279
offender is a major drug offender, and the court shall impose as 2280
a mandatory prison term the maximum prison term prescribed for a 2281
felony of the first degree. 2282

(7) If the drug involved in the violation is hashish or a 2283
compound, mixture, preparation, or substance containing hashish, 2284

whoever violates division (A) of this section is guilty of 2285
possession of hashish. The penalty for the offense shall be 2286
determined as follows: 2287

(a) Except as otherwise provided in division (C) (7) (b), 2288
(c), (d), (e), (f), or (g) of this section, possession of 2289
hashish is a minor misdemeanor. 2290

(b) If the amount of the drug involved equals or exceeds 2291
five grams but is less than ten grams of hashish in a solid form 2292
or equals or exceeds one gram but is less than two grams of 2293
hashish in a liquid concentrate, liquid extract, or liquid 2294
distillate form, possession of hashish is a misdemeanor of the 2295
fourth degree. 2296

(c) If the amount of the drug involved equals or exceeds 2297
ten grams but is less than fifty grams of hashish in a solid 2298
form or equals or exceeds two grams but is less than ten grams 2299
of hashish in a liquid concentrate, liquid extract, or liquid 2300
distillate form, possession of hashish is a felony of the fifth 2301
degree, and division (B) of section 2929.13 of the Revised Code 2302
applies in determining whether to impose a prison term on the 2303
offender. 2304

(d) If the amount of the drug involved equals or exceeds 2305
fifty grams but is less than two hundred fifty grams of hashish 2306
in a solid form or equals or exceeds ten grams but is less than 2307
fifty grams of hashish in a liquid concentrate, liquid extract, 2308
or liquid distillate form, possession of hashish is a felony of 2309
the third degree, and division (C) of section 2929.13 of the 2310
Revised Code applies in determining whether to impose a prison 2311
term on the offender. 2312

(e) If the amount of the drug involved equals or exceeds 2313

two hundred fifty grams but is less than one thousand grams of 2314
hashish in a solid form or equals or exceeds fifty grams but is 2315
less than two hundred grams of hashish in a liquid concentrate, 2316
liquid extract, or liquid distillate form, possession of hashish 2317
is a felony of the third degree, and there is a presumption that 2318
a prison term shall be imposed for the offense. 2319

(f) If the amount of the drug involved equals or exceeds 2320
one thousand grams but is less than two thousand grams of 2321
hashish in a solid form or equals or exceeds two hundred grams 2322
but is less than four hundred grams of hashish in a liquid 2323
concentrate, liquid extract, or liquid distillate form, 2324
possession of hashish is a felony of the second degree, and the 2325
court shall impose a mandatory prison term of five, six, seven, 2326
or eight years. 2327

(g) If the amount of the drug involved equals or exceeds 2328
two thousand grams of hashish in a solid form or equals or 2329
exceeds four hundred grams of hashish in a liquid concentrate, 2330
liquid extract, or liquid distillate form, possession of hashish 2331
is a felony of the second degree, and the court shall impose as 2332
a mandatory prison term the maximum prison term prescribed for a 2333
felony of the second degree. 2334

(8) If the drug involved is a controlled substance analog 2335
or compound, mixture, preparation, or substance that contains a 2336
controlled substance analog, whoever violates division (A) of 2337
this section is guilty of possession of a controlled substance 2338
analog. The penalty for the offense shall be determined as 2339
follows: 2340

(a) Except as otherwise provided in division (C) (8) (b), 2341
(c), (d), (e), or (f) of this section, possession of a 2342
controlled substance analog is a felony of the fifth degree, and 2343

division (B) of section 2929.13 of the Revised Code applies in 2344
determining whether to impose a prison term on the offender. 2345

(b) If the amount of the drug involved equals or exceeds 2346
ten grams but is less than twenty grams, possession of a 2347
controlled substance analog is a felony of the fourth degree, 2348
and there is a presumption for a prison term for the offense. 2349

(c) If the amount of the drug involved equals or exceeds 2350
twenty grams but is less than thirty grams, possession of a 2351
controlled substance analog is a felony of the third degree, and 2352
there is a presumption for a prison term for the offense. 2353

(d) If the amount of the drug involved equals or exceeds 2354
thirty grams but is less than forty grams, possession of a 2355
controlled substance analog is a felony of the second degree, 2356
and the court shall impose as a mandatory prison term one of the 2357
prison terms prescribed for a felony of the second degree. 2358

(e) If the amount of the drug involved equals or exceeds 2359
forty grams but is less than fifty grams, possession of a 2360
controlled substance analog is a felony of the first degree, and 2361
the court shall impose as a mandatory prison term one of the 2362
prison terms prescribed for a felony of the first degree. 2363

(f) If the amount of the drug involved equals or exceeds 2364
fifty grams, possession of a controlled substance analog is a 2365
felony of the first degree, the offender is a major drug 2366
offender, and the court shall impose as a mandatory prison term 2367
the maximum prison term prescribed for a felony of the first 2368
degree. 2369

(9) If the drug involved in the violation is a compound, 2370
mixture, preparation, or substance that is a combination of a 2371
fentanyl-related compound and marihuana, one of the following 2372

applies: 2373

(a) Except as otherwise provided in division (C) (9) (b) of this section, the offender is guilty of possession of marihuana and shall be punished as provided in division (C) (3) of this section. The offender is not guilty of possession of a fentanyl-related compound under division (C) (10) of this section and shall not be charged with, convicted of, or punished under division (C) (10) of this section for possession of a fentanyl-related compound. 2374
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(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C) (10) of this section. 2382
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(10) If the drug involved in the violation is a fentanyl-related compound and division (C) (9) (a) of this section does not apply to the drug involved or is a compound, mixture, preparation, or substance containing a fentanyl-related compound and division (C) (9) (a) of this section does not apply to the drug involved, and the affirmative defense described in division (F) (2) of this section does not apply, whoever violates division (A) of this section is guilty of possession of a fentanyl-related compound. The penalty for the offense shall be determined as follows: 2387
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(a) Except as otherwise provided in division (C) (10) (b), (c), (d), (e), (f), or (g) of this section, possession of a fentanyl-related compound is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 2397
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(b) If the amount of the drug involved equals or exceeds 2402
ten unit doses but is less than fifty unit doses or equals or 2403
exceeds one gram but is less than five grams, possession of a 2404
fentanyl-related compound is a felony of the fourth degree, and 2405
division (C) of section 2929.13 of the Revised Code applies in 2406
determining whether to impose a prison term on the offender. 2407

(c) If the amount of the drug involved equals or exceeds 2408
fifty unit doses but is less than one hundred unit doses or 2409
equals or exceeds five grams but is less than ten grams, 2410
possession of a fentanyl-related compound is a felony of the 2411
third degree, and there is a presumption for a prison term for 2412
the offense. 2413

(d) If the amount of the drug involved equals or exceeds 2414
one hundred unit doses but is less than two hundred unit doses 2415
or equals or exceeds ten grams but is less than twenty grams, 2416
possession of a fentanyl-related compound is a felony of the 2417
second degree, and the court shall impose as a mandatory prison 2418
term one of the prison terms prescribed for a felony of the 2419
second degree. 2420

(e) If the amount of the drug involved equals or exceeds 2421
two hundred unit doses but is less than five hundred unit doses 2422
or equals or exceeds twenty grams but is less than fifty grams, 2423
possession of a fentanyl-related compound is a felony of the 2424
first degree, and the court shall impose as a mandatory prison 2425
term one of the prison terms prescribed for a felony of the 2426
first degree. 2427

(f) If the amount of the drug involved equals or exceeds 2428
five hundred unit doses but is less than one thousand unit doses 2429
or equals or exceeds fifty grams but is less than one hundred 2430
grams, possession of a fentanyl-related compound is a felony of 2431

the first degree, and the court shall impose as a mandatory 2432
prison term the maximum prison term prescribed for a felony of 2433
the first degree. 2434

(g) If the amount of the drug involved equals or exceeds 2435
one thousand unit doses or equals or exceeds one hundred grams, 2436
possession of a fentanyl-related compound is a felony of the 2437
first degree, the offender is a major drug offender, and the 2438
court shall impose as a mandatory prison term the maximum prison 2439
term prescribed for a felony of the first degree. 2440

(D) Arrest or conviction for a minor misdemeanor violation 2441
of this section does not constitute a criminal record and need 2442
not be reported by the person so arrested or convicted in 2443
response to any inquiries about the person's criminal record, 2444
including any inquiries contained in any application for 2445
employment, license, or other right or privilege, or made in 2446
connection with the person's appearance as a witness. 2447

(E) In addition to any prison term or jail term authorized 2448
or required by division (C) of this section and sections 2449
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2450
Code and in addition to any other sanction that is imposed for 2451
the offense under this section, sections 2929.11 to 2929.18, or 2452
sections 2929.21 to 2929.28 of the Revised Code, the court that 2453
sentences an offender who is convicted of or pleads guilty to a 2454
violation of division (A) of this section may suspend the 2455
offender's driver's or commercial driver's license or permit for 2456
not more than five years. However, if the offender pleaded 2457
guilty to or was convicted of a violation of section 4511.19 of 2458
the Revised Code or a substantially similar municipal ordinance 2459
or the law of another state or the United States arising out of 2460
the same set of circumstances as the violation, the court shall 2461

suspend the offender's driver's or commercial driver's license 2462
or permit for not more than five years. If applicable, the court 2463
also shall do the following: 2464

(1) (a) If the violation is a felony of the first, second, 2465
or third degree, the court shall impose upon the offender the 2466
mandatory fine specified for the offense under division (B) (1) 2467
of section 2929.18 of the Revised Code unless, as specified in 2468
that division, the court determines that the offender is 2469
indigent. 2470

(b) Notwithstanding any contrary provision of section 2471
3719.21 of the Revised Code, the clerk of the court shall pay a 2472
mandatory fine or other fine imposed for a violation of this 2473
section pursuant to division (A) of section 2929.18 of the 2474
Revised Code in accordance with and subject to the requirements 2475
of division (F) of section 2925.03 of the Revised Code. The 2476
agency that receives the fine shall use the fine as specified in 2477
division (F) of section 2925.03 of the Revised Code. 2478

(c) If a person is charged with a violation of this 2479
section that is a felony of the first, second, or third degree, 2480
posts bail, and forfeits the bail, the clerk shall pay the 2481
forfeited bail pursuant to division (E) (1) (b) of this section as 2482
if it were a mandatory fine imposed under division (E) (1) (a) of 2483
this section. 2484

(2) If the offender is a professionally licensed person, 2485
in addition to any other sanction imposed for a violation of 2486
this section, the court immediately shall comply with section 2487
2925.38 of the Revised Code. 2488

(F) (1) It is an affirmative defense, as provided in 2489
section 2901.05 of the Revised Code, to a charge of a fourth 2490

degree felony violation under this section that the controlled 2491
substance that gave rise to the charge is in an amount, is in a 2492
form, is prepared, compounded, or mixed with substances that are 2493
not controlled substances in a manner, or is possessed under any 2494
other circumstances, that indicate that the substance was 2495
possessed solely for personal use. Notwithstanding any contrary 2496
provision of this section, if, in accordance with section 2497
2901.05 of the Revised Code, an accused who is charged with a 2498
fourth degree felony violation of division (C) (2), (4), (5), or 2499
(6) of this section sustains the burden of going forward with 2500
evidence of and establishes by a preponderance of the evidence 2501
the affirmative defense described in this division, the accused 2502
may be prosecuted for and may plead guilty to or be convicted of 2503
a misdemeanor violation of division (C) (2) of this section or a 2504
fifth degree felony violation of division (C) (4), (5), or (6) of 2505
this section respectively. 2506

(2) It is an affirmative defense to a charge of possession 2507
of a fentanyl-related compound under division (C) (10) of this 2508
section that the controlled substance that gave rise to the 2509
charge is a combination of a fentanyl-related compound and a 2510
schedule III, IV, or V controlled substance and the offender did 2511
not know or have reason to know that the drug involved contained 2512
a fentanyl-related compound. Notwithstanding any contrary 2513
provision of this section, if, in accordance with section 2514
2901.05 of the Revised Code, the accused sustains the burden of 2515
going forward with evidence of and establishes by a 2516
preponderance of the evidence the affirmative defense described 2517
in this division, the accused may be prosecuted for and may 2518
plead guilty to or be convicted of possession of drugs under 2519
division (C) (2) of this section. 2520

(G) When a person is charged with possessing a bulk amount 2521

or multiple of a bulk amount, division (E) of section 2925.03 of 2522
the Revised Code applies regarding the determination of the 2523
amount of the controlled substance involved at the time of the 2524
offense. 2525

(H) It is an affirmative defense to a charge of possession 2526
of a controlled substance analog under division (C) (8) of this 2527
section that the person charged with violating that offense 2528
obtained, possessed, or used an item described in division (HH) 2529
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2530

(I) Any offender who received a mandatory suspension of 2531
the offender's driver's or commercial driver's license or permit 2532
under this section prior to ~~the effective date of this amendment~~ 2533
September 13, 2016, may file a motion with the sentencing court 2534
requesting the termination of the suspension. However, an 2535
offender who pleaded guilty to or was convicted of a violation 2536
of section 4511.19 of the Revised Code or a substantially 2537
similar municipal ordinance or law of another state or the 2538
United States that arose out of the same set of circumstances as 2539
the violation for which the offender's license or permit was 2540
suspended under this section shall not file such a motion. 2541

Upon the filing of a motion under division (I) of this 2542
section, the sentencing court, in its discretion, may terminate 2543
the suspension. 2544

Sec. 2925.13. (A) No person who is the owner, operator, or 2545
person in charge of a locomotive, watercraft, aircraft, or other 2546
vehicle, as defined in division (A) of section 4501.01 of the 2547
Revised Code, shall knowingly permit the vehicle to be used for 2548
the commission of a felony drug abuse offense. 2549

(B) No person who is the owner, lessee, or occupant, or 2550

who has custody, control, or supervision, of premises or real 2551
estate, including vacant land, shall knowingly permit the 2552
premises or real estate, including vacant land, to be used for 2553
the commission of a felony drug abuse offense by another person. 2554

(C) (1) Whoever violates this section is guilty of 2555
permitting drug abuse. 2556

(2) Except as provided in division (C) (3) of this section, 2557
permitting drug abuse is a misdemeanor of the first degree. 2558

(3) Permitting drug abuse is a felony of the fifth degree, 2559
and division (C) of section 2929.13 of the Revised Code applies 2560
in determining whether to impose a prison term on the offender, 2561
if ~~the~~ either of the following applies: 2562

(a) The felony drug abuse offense in question is a 2563
violation of section 2925.02 ~~or~~, 2925.03, or 2925.04 of the 2564
Revised Code. 2565

(b) The felony drug abuse offense in question is a 2566
violation of section 2925.041 of the Revised Code and the 2567
offender had actual knowledge, at the time the offender 2568
permitted the vehicle, premises, or real estate to be used as 2569
described in division (A) or (B) of this section, that the 2570
person who assembled or possessed the chemicals in question in 2571
violation of section 2925.041 of the Revised Code had assembled 2572
or possessed them with the intent to manufacture a controlled 2573
substance in schedule I or II in violation of section 2925.04 of 2574
the Revised Code. 2575

(D) (1) In addition to any prison term authorized or 2576
required by division (C) of this section and sections 2929.13 2577
and 2929.14 of the Revised Code and in addition to any other 2578
sanction imposed for the offense under this section or sections 2579

2929.11 to 2929.18 of the Revised Code, the court that sentences 2580
a person who is convicted of or pleads guilty to a violation of 2581
division (A) of this section may suspend for not more than five 2582
years the offender's driver's or commercial driver's license or 2583
permit. However, if the offender pleaded guilty to or was 2584
convicted of a violation of section 4511.19 of the Revised Code 2585
or a substantially similar municipal ordinance or the law of 2586
another state or the United States arising out of the same set 2587
of circumstances as the violation, the court shall suspend the 2588
offender's driver's or commercial driver's license or permit for 2589
not more than five years. 2590

If the offender is a professionally licensed person, in 2591
addition to any other sanction imposed for a violation of this 2592
section, the court immediately shall comply with section 2925.38 2593
of the Revised Code. 2594

(2) Any offender who received a mandatory suspension of 2595
the offender's driver's or commercial driver's license or permit 2596
under this section prior to ~~the effective date of this amendment~~ 2597
September 13, 2016, may file a motion with the sentencing court 2598
requesting the termination of the suspension. However, an 2599
offender who pleaded guilty to or was convicted of a violation 2600
of section 4511.19 of the Revised Code or a substantially 2601
similar municipal ordinance or law of another state or the 2602
United States that arose out of the same set of circumstances as 2603
the violation for which the offender's license or permit was 2604
suspended under this section shall not file such a motion. 2605

Upon the filing of a motion under division (D) (2) of this 2606
section, the sentencing court, in its discretion, may terminate 2607
the suspension. 2608

(E) Notwithstanding any contrary provision of section 2609

3719.21 of the Revised Code, the clerk of the court shall pay a 2610
fine imposed for a violation of this section pursuant to 2611
division (A) of section 2929.18 of the Revised Code in 2612
accordance with and subject to the requirements of division (F) 2613
of section 2925.03 of the Revised Code. The agency that receives 2614
the fine shall use the fine as specified in division (F) of 2615
section 2925.03 of the Revised Code. 2616

(F) Any premises or real estate that is permitted to be 2617
used in violation of division (B) of this section constitutes a 2618
nuisance subject to abatement pursuant to Chapter 3767. of the 2619
Revised Code. 2620

Sec. 2925.36. (A) No person shall knowingly furnish 2621
another a sample drug. 2622

(B) Division (A) of this section does not apply to 2623
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2624
licensed health professionals authorized to prescribe drugs, and 2625
other persons whose conduct is in accordance with Chapters 2626
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2627
the Revised Code. 2628

(C)(1) Whoever violates this section is guilty of illegal 2629
dispensing of drug samples. 2630

(2) If the drug involved in the offense is a compound, 2631
mixture, preparation, or substance included in schedule I or II, 2632
with the exception of marihuana, the penalty for the offense 2633
shall be determined as follows: 2634

(a) Except as otherwise provided in division (C)(2)(b) of 2635
this section, illegal dispensing of drug samples is a felony of 2636
the fifth degree, and, subject to division (E) of this section, 2637
division (C) of section 2929.13 of the Revised Code applies in 2638

determining whether to impose a prison term on the offender. 2639

(b) If the offense was committed in the vicinity of a 2640
school or in the vicinity of a juvenile, illegal dispensing of 2641
drug samples is a felony of the fourth degree, and, subject to 2642
division (E) of this section, division (C) of section 2929.13 of 2643
the Revised Code applies in determining whether to impose a 2644
prison term on the offender. 2645

(3) If the drug involved in the offense is a dangerous 2646
drug or a compound, mixture, preparation, or substance included 2647
in schedule III, IV, or V, or is marihuana, the penalty for the 2648
offense shall be determined as follows: 2649

(a) Except as otherwise provided in division (C) (3) (b) of 2650
this section, illegal dispensing of drug samples is a 2651
misdemeanor of the second degree. 2652

(b) If the offense was committed in the vicinity of a 2653
school or in the vicinity of a juvenile, illegal dispensing of 2654
drug samples is a misdemeanor of the first degree. 2655

(D) (1) In addition to any prison term authorized or 2656
required by division (C) or (E) of this section and sections 2657
2929.13 and 2929.14 of the Revised Code and in addition to any 2658
other sanction imposed for the offense under this section or 2659
sections 2929.11 to 2929.18 of the Revised Code, the court that 2660
sentences an offender who is convicted of or pleads guilty to a 2661
violation of division (A) of this section may suspend for not 2662
more than five years the offender's driver's or commercial 2663
driver's license or permit. However, if the offender pleaded 2664
guilty to or was convicted of a violation of section 4511.19 of 2665
the Revised Code or a substantially similar municipal ordinance 2666
or the law of another state or the United States arising out of 2667

the same set of circumstances as the violation, the court shall 2668
suspend the offender's driver's or commercial driver's license 2669
or permit for not more than five years. 2670

If the offender is a professionally licensed person, in 2671
addition to any other sanction imposed for a violation of this 2672
section, the court immediately shall comply with section 2925.38 2673
of the Revised Code. 2674

(2) Any offender who received a mandatory suspension of 2675
the offender's driver's or commercial driver's license or permit 2676
under this section prior to ~~the effective date of this amendment~~ 2677
September 13, 2016, may file a motion with the sentencing court 2678
requesting the termination of the suspension. However, an 2679
offender who pleaded guilty to or was convicted of a violation 2680
of section 4511.19 of the Revised Code or a substantially 2681
similar municipal ordinance or law of another state or the 2682
United States that arose out of the same set of circumstances as 2683
the violation for which the offender's license or permit was 2684
suspended under this section shall not file such a motion. 2685

Upon the filing of a motion under division (D)(2) of this 2686
section, the sentencing court, in its discretion, may terminate 2687
the suspension. 2688

(E) Notwithstanding the prison term authorized or required 2689
by division (C) of this section and sections 2929.13 and 2929.14 2690
of the Revised Code, if the violation of division (A) of this 2691
section involves the sale, offer to sell, or possession of a 2692
schedule I or II controlled substance, with the exception of 2693
marihuana, and if the court imposing sentence upon the offender 2694
finds that the offender as a result of the violation is a major 2695
drug offender and is guilty of a specification of the type 2696
described in division (A) of section 2941.1410 of the Revised 2697

Code, the court, in lieu of the prison term otherwise authorized 2698
or required, shall impose upon the offender the mandatory prison 2699
term specified in division (B) (3) (a) of section 2929.14 of the 2700
Revised Code. 2701

(F) Notwithstanding any contrary provision of section 2702
3719.21 of the Revised Code, the clerk of the court shall pay a 2703
fine imposed for a violation of this section pursuant to 2704
division (A) of section 2929.18 of the Revised Code in 2705
accordance with and subject to the requirements of division (F) 2706
of section 2925.03 of the Revised Code. The agency that receives 2707
the fine shall use the fine as specified in division (F) of 2708
section 2925.03 of the Revised Code. 2709

Sec. 2929.01. As used in this chapter: 2710

(A) (1) "Alternative residential facility" means, subject 2711
to division (A) (2) of this section, any facility other than an 2712
offender's home or residence in which an offender is assigned to 2713
live and that satisfies all of the following criteria: 2714

(a) It provides programs through which the offender may 2715
seek or maintain employment or may receive education, training, 2716
treatment, or habilitation. 2717

(b) It has received the appropriate license or certificate 2718
for any specialized education, training, treatment, 2719
habilitation, or other service that it provides from the 2720
government agency that is responsible for licensing or 2721
certifying that type of education, training, treatment, 2722
habilitation, or service. 2723

(2) "Alternative residential facility" does not include a 2724
community-based correctional facility, jail, halfway house, or 2725
prison. 2726

(B) "Basic probation supervision" means a requirement that 2727
the offender maintain contact with a person appointed to 2728
supervise the offender in accordance with sanctions imposed by 2729
the court or imposed by the parole board pursuant to section 2730
2967.28 of the Revised Code. "Basic probation supervision" 2731
includes basic parole supervision and basic post-release control 2732
supervision. 2733

(C) "Cocaine," "fentanyl-related compound," "hashish," 2734
"L.S.D.," and "unit dose" have the same meanings as in section 2735
2925.01 of the Revised Code. 2736

(D) "Community-based correctional facility" means a 2737
community-based correctional facility and program or district 2738
community-based correctional facility and program developed 2739
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 2740

(E) "Community control sanction" means a sanction that is 2741
not a prison term and that is described in section 2929.15, 2742
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 2743
that is not a jail term and that is described in section 2744
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 2745
control sanction" includes probation if the sentence involved 2746
was imposed for a felony that was committed prior to July 1, 2747
1996, or if the sentence involved was imposed for a misdemeanor 2748
that was committed prior to January 1, 2004. 2749

(F) "Controlled substance," "marihuana," "schedule I," and 2750
"schedule II" have the same meanings as in section 3719.01 of 2751
the Revised Code. 2752

(G) "Curfew" means a requirement that an offender during a 2753
specified period of time be at a designated place. 2754

(H) "Day reporting" means a sanction pursuant to which an 2755

offender is required each day to report to and leave a center or 2756
other approved reporting location at specified times in order to 2757
participate in work, education or training, treatment, and other 2758
approved programs at the center or outside the center. 2759

(I) "Deadly weapon" has the same meaning as in section 2760
2923.11 of the Revised Code. 2761

(J) "Drug and alcohol use monitoring" means a program 2762
under which an offender agrees to submit to random chemical 2763
analysis of the offender's blood, breath, or urine to determine 2764
whether the offender has ingested any alcohol or other drugs. 2765

(K) "Drug treatment program" means any program under which 2766
a person undergoes assessment and treatment designed to reduce 2767
or completely eliminate the person's physical or emotional 2768
reliance upon alcohol, another drug, or alcohol and another drug 2769
and under which the person may be required to receive assessment 2770
and treatment on an outpatient basis or may be required to 2771
reside at a facility other than the person's home or residence 2772
while undergoing assessment and treatment. 2773

(L) "Economic loss" means any economic detriment suffered 2774
by a victim as a direct and proximate result of the commission 2775
of an offense and includes any loss of income due to lost time 2776
at work because of any injury caused to the victim, and any 2777
property loss, medical cost, or funeral expense incurred as a 2778
result of the commission of the offense. "Economic loss" does 2779
not include non-economic loss or any punitive or exemplary 2780
damages. 2781

(M) "Education or training" includes study at, or in 2782
conjunction with a program offered by, a university, college, or 2783
technical college or vocational study and also includes the 2784

completion of primary school, secondary school, and literacy 2785
curricula or their equivalent. 2786

(N) "Firearm" has the same meaning as in section 2923.11 2787
of the Revised Code. 2788

(O) "Halfway house" means a facility licensed by the 2789
division of parole and community services of the department of 2790
rehabilitation and correction pursuant to section 2967.14 of the 2791
Revised Code as a suitable facility for the care and treatment 2792
of adult offenders. 2793

(P) "House arrest" means a period of confinement of an 2794
offender that is in the offender's home or in other premises 2795
specified by the sentencing court or by the parole board 2796
pursuant to section 2967.28 of the Revised Code and during which 2797
all of the following apply: 2798

(1) The offender is required to remain in the offender's 2799
home or other specified premises for the specified period of 2800
confinement, except for periods of time during which the 2801
offender is at the offender's place of employment or at other 2802
premises as authorized by the sentencing court or by the parole 2803
board. 2804

(2) The offender is required to report periodically to a 2805
person designated by the court or parole board. 2806

(3) The offender is subject to any other restrictions and 2807
requirements that may be imposed by the sentencing court or by 2808
the parole board. 2809

(Q) "Intensive probation supervision" means a requirement 2810
that an offender maintain frequent contact with a person 2811
appointed by the court, or by the parole board pursuant to 2812
section 2967.28 of the Revised Code, to supervise the offender 2813

while the offender is seeking or maintaining necessary 2814
employment and participating in training, education, and 2815
treatment programs as required in the court's or parole board's 2816
order. "Intensive probation supervision" includes intensive 2817
parole supervision and intensive post-release control 2818
supervision. 2819

(R) "Jail" means a jail, workhouse, minimum security jail, 2820
or other residential facility used for the confinement of 2821
alleged or convicted offenders that is operated by a political 2822
subdivision or a combination of political subdivisions of this 2823
state. 2824

(S) "Jail term" means the term in a jail that a sentencing 2825
court imposes or is authorized to impose pursuant to section 2826
2929.24 or 2929.25 of the Revised Code or pursuant to any other 2827
provision of the Revised Code that authorizes a term in a jail 2828
for a misdemeanor conviction. 2829

(T) "Mandatory jail term" means the term in a jail that a 2830
sentencing court is required to impose pursuant to division (G) 2831
of section 1547.99 of the Revised Code, division (E) of section 2832
2903.06 or division (D) of section 2903.08 of the Revised Code, 2833
division (E) or (G) of section 2929.24 of the Revised Code, 2834
division (B) of section 4510.14 of the Revised Code, or division 2835
(G) of section 4511.19 of the Revised Code or pursuant to any 2836
other provision of the Revised Code that requires a term in a 2837
jail for a misdemeanor conviction. 2838

(U) "Delinquent child" has the same meaning as in section 2839
2152.02 of the Revised Code. 2840

(V) "License violation report" means a report that is made 2841
by a sentencing court, or by the parole board pursuant to 2842

section 2967.28 of the Revised Code, to the regulatory or 2843
licensing board or agency that issued an offender a professional 2844
license or a license or permit to do business in this state and 2845
that specifies that the offender has been convicted of or 2846
pleaded guilty to an offense that may violate the conditions 2847
under which the offender's professional license or license or 2848
permit to do business in this state was granted or an offense 2849
for which the offender's professional license or license or 2850
permit to do business in this state may be revoked or suspended. 2851

(W) "Major drug offender" means an offender who is 2852
convicted of or pleads guilty to the possession of, sale of, or 2853
offer to sell any drug, compound, mixture, preparation, or 2854
substance that consists of or contains at least one thousand 2855
grams of hashish; at least one hundred grams of cocaine; at 2856
least one thousand unit doses or one hundred grams of heroin; at 2857
least five thousand unit doses of L.S.D. or five hundred grams 2858
of L.S.D. in a liquid concentrate, liquid extract, or liquid 2859
distillate form; at least fifty grams of a controlled substance 2860
analog; at least one thousand unit doses or one hundred grams of 2861
a fentanyl-related compound; or at least one hundred times the 2862
amount of any other schedule I or II controlled substance other 2863
than marihuana that is necessary to commit a felony of the third 2864
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 2865
of the Revised Code that is based on the possession of, sale of, 2866
or offer to sell the controlled substance. 2867

(X) "Mandatory prison term" means any of the following: 2868

(1) Subject to division (X)(2) of this section, the term 2869
in prison that must be imposed for the offenses or circumstances 2870
set forth in divisions (F)(1) to (8) or (F)(12) to ~~(18)~~ (20) of 2871
section 2929.13 and division (B) of section 2929.14 of the 2872

Revised Code. Except as provided in sections 2925.02, 2925.03, 2873
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 2874
maximum or another specific term is required under section 2875
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 2876
described in this division may be any prison term authorized for 2877
the level of offense. 2878

(2) The term of sixty or one hundred twenty days in prison 2879
that a sentencing court is required to impose for a third or 2880
fourth degree felony OVI offense pursuant to division (G) (2) of 2881
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 2882
of the Revised Code or the term of one, two, three, four, or 2883
five years in prison that a sentencing court is required to 2884
impose pursuant to division (G) (2) of section 2929.13 of the 2885
Revised Code. 2886

(3) The term in prison imposed pursuant to division (A) of 2887
section 2971.03 of the Revised Code for the offenses and in the 2888
circumstances described in division (F) (11) of section 2929.13 2889
of the Revised Code or pursuant to division (B) (1) (a), (b), or 2890
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 2891
section 2971.03 of the Revised Code and that term as modified or 2892
terminated pursuant to section 2971.05 of the Revised Code. 2893

(Y) "Monitored time" means a period of time during which 2894
an offender continues to be under the control of the sentencing 2895
court or parole board, subject to no conditions other than 2896
leading a law-abiding life. 2897

(Z) "Offender" means a person who, in this state, is 2898
convicted of or pleads guilty to a felony or a misdemeanor. 2899

(AA) "Prison" means a residential facility used for the 2900
confinement of convicted felony offenders that is under the 2901

control of the department of rehabilitation and correction but 2902
does not include a violation sanction center operated under 2903
authority of section 2967.141 of the Revised Code. 2904

(BB) "Prison term" includes either of the following 2905
sanctions for an offender: 2906

(1) A stated prison term; 2907

(2) A term in a prison shortened by, or with the approval 2908
of, the sentencing court pursuant to section 2929.143, 2929.20, 2909
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 2910

(CC) "Repeat violent offender" means a person about whom 2911
both of the following apply: 2912

(1) The person is being sentenced for committing or for 2913
complicity in committing any of the following: 2914

(a) Aggravated murder, murder, any felony of the first or 2915
second degree that is an offense of violence, or an attempt to 2916
commit any of these offenses if the attempt is a felony of the 2917
first or second degree; 2918

(b) An offense under an existing or former law of this 2919
state, another state, or the United States that is or was 2920
substantially equivalent to an offense described in division 2921
(CC) (1) (a) of this section. 2922

(2) The person previously was convicted of or pleaded 2923
guilty to an offense described in division (CC) (1) (a) or (b) of 2924
this section. 2925

(DD) "Sanction" means any penalty imposed upon an offender 2926
who is convicted of or pleads guilty to an offense, as 2927
punishment for the offense. "Sanction" includes any sanction 2928
imposed pursuant to any provision of sections 2929.14 to 2929.18 2929

or 2929.24 to 2929.28 of the Revised Code. 2930

(EE) "Sentence" means the sanction or combination of 2931
sanctions imposed by the sentencing court on an offender who is 2932
convicted of or pleads guilty to an offense. 2933

(FF) "Stated prison term" means the prison term, mandatory 2934
prison term, or combination of all prison terms and mandatory 2935
prison terms imposed by the sentencing court pursuant to section 2936
2929.14, 2929.142, or 2971.03 of the Revised Code or under 2937
section 2919.25 of the Revised Code. "Stated prison term" 2938
includes any credit received by the offender for time spent in 2939
jail awaiting trial, sentencing, or transfer to prison for the 2940
offense and any time spent under house arrest or house arrest 2941
with electronic monitoring imposed after earning credits 2942
pursuant to section 2967.193 of the Revised Code. If an offender 2943
is serving a prison term as a risk reduction sentence under 2944
sections 2929.143 and 5120.036 of the Revised Code, "stated 2945
prison term" includes any period of time by which the prison 2946
term imposed upon the offender is shortened by the offender's 2947
successful completion of all assessment and treatment or 2948
programming pursuant to those sections. 2949

(GG) "Victim-offender mediation" means a reconciliation or 2950
mediation program that involves an offender and the victim of 2951
the offense committed by the offender and that includes a 2952
meeting in which the offender and the victim may discuss the 2953
offense, discuss restitution, and consider other sanctions for 2954
the offense. 2955

(HH) "Fourth degree felony OVI offense" means a violation 2956
of division (A) of section 4511.19 of the Revised Code that, 2957
under division (G) of that section, is a felony of the fourth 2958
degree. 2959

(II) "Mandatory term of local incarceration" means the 2960
term of sixty or one hundred twenty days in a jail, a community- 2961
based correctional facility, a halfway house, or an alternative 2962
residential facility that a sentencing court may impose upon a 2963
person who is convicted of or pleads guilty to a fourth degree 2964
felony OVI offense pursuant to division (G)(1) of section 2965
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 2966
section 4511.19 of the Revised Code. 2967

(JJ) "Designated homicide, assault, or kidnapping 2968
offense," "violent sex offense," "sexual motivation 2969
specification," "sexually violent offense," "sexually violent 2970
predator," and "sexually violent predator specification" have 2971
the same meanings as in section 2971.01 of the Revised Code. 2972

(KK) "Sexually oriented offense," "child-victim oriented 2973
offense," and "tier III sex offender/child-victim offender" have 2974
the same meanings as in section 2950.01 of the Revised Code. 2975

(LL) An offense is "committed in the vicinity of a child" 2976
if the offender commits the offense within thirty feet of or 2977
within the same residential unit as a child who is under 2978
eighteen years of age, regardless of whether the offender knows 2979
the age of the child or whether the offender knows the offense 2980
is being committed within thirty feet of or within the same 2981
residential unit as the child and regardless of whether the 2982
child actually views the commission of the offense. 2983

(MM) "Family or household member" has the same meaning as 2984
in section 2919.25 of the Revised Code. 2985

(NN) "Motor vehicle" and "manufactured home" have the same 2986
meanings as in section 4501.01 of the Revised Code. 2987

(OO) "Detention" and "detention facility" have the same 2988

meanings as in section 2921.01 of the Revised Code. 2989

(PP) "Third degree felony OVI offense" means a violation 2990
of division (A) of section 4511.19 of the Revised Code that, 2991
under division (G) of that section, is a felony of the third 2992
degree. 2993

(QQ) "Random drug testing" has the same meaning as in 2994
section 5120.63 of the Revised Code. 2995

(RR) "Felony sex offense" has the same meaning as in 2996
section 2967.28 of the Revised Code. 2997

(SS) "Body armor" has the same meaning as in section 2998
2941.1411 of the Revised Code. 2999

(TT) "Electronic monitoring" means monitoring through the 3000
use of an electronic monitoring device. 3001

(UU) "Electronic monitoring device" means any of the 3002
following: 3003

(1) Any device that can be operated by electrical or 3004
battery power and that conforms with all of the following: 3005

(a) The device has a transmitter that can be attached to a 3006
person, that will transmit a specified signal to a receiver of 3007
the type described in division (UU)(1)(b) of this section if the 3008
transmitter is removed from the person, turned off, or altered 3009
in any manner without prior court approval in relation to 3010
electronic monitoring or without prior approval of the 3011
department of rehabilitation and correction in relation to the 3012
use of an electronic monitoring device for an inmate on 3013
transitional control or otherwise is tampered with, that can 3014
transmit continuously and periodically a signal to that receiver 3015
when the person is within a specified distance from the 3016

receiver, and that can transmit an appropriate signal to that 3017
receiver if the person to whom it is attached travels a 3018
specified distance from that receiver. 3019

(b) The device has a receiver that can receive 3020
continuously the signals transmitted by a transmitter of the 3021
type described in division (UU) (1) (a) of this section, can 3022
transmit continuously those signals by a wireless or landline 3023
telephone connection to a central monitoring computer of the 3024
type described in division (UU) (1) (c) of this section, and can 3025
transmit continuously an appropriate signal to that central 3026
monitoring computer if the device has been turned off or altered 3027
without prior court approval or otherwise tampered with. The 3028
device is designed specifically for use in electronic 3029
monitoring, is not a converted wireless phone or another 3030
tracking device that is clearly not designed for electronic 3031
monitoring, and provides a means of text-based or voice 3032
communication with the person. 3033

(c) The device has a central monitoring computer that can 3034
receive continuously the signals transmitted by a wireless or 3035
landline telephone connection by a receiver of the type 3036
described in division (UU) (1) (b) of this section and can monitor 3037
continuously the person to whom an electronic monitoring device 3038
of the type described in division (UU) (1) (a) of this section is 3039
attached. 3040

(2) Any device that is not a device of the type described 3041
in division (UU) (1) of this section and that conforms with all 3042
of the following: 3043

(a) The device includes a transmitter and receiver that 3044
can monitor and determine the location of a subject person at 3045
any time, or at a designated point in time, through the use of a 3046

central monitoring computer or through other electronic means. 3047

(b) The device includes a transmitter and receiver that 3048
can determine at any time, or at a designated point in time, 3049
through the use of a central monitoring computer or other 3050
electronic means the fact that the transmitter is turned off or 3051
altered in any manner without prior approval of the court in 3052
relation to the electronic monitoring or without prior approval 3053
of the department of rehabilitation and correction in relation 3054
to the use of an electronic monitoring device for an inmate on 3055
transitional control or otherwise is tampered with. 3056

(3) Any type of technology that can adequately track or 3057
determine the location of a subject person at any time and that 3058
is approved by the director of rehabilitation and correction, 3059
including, but not limited to, any satellite technology, voice 3060
tracking system, or retinal scanning system that is so approved. 3061

(VV) "Non-economic loss" means nonpecuniary harm suffered 3062
by a victim of an offense as a result of or related to the 3063
commission of the offense, including, but not limited to, pain 3064
and suffering; loss of society, consortium, companionship, care, 3065
assistance, attention, protection, advice, guidance, counsel, 3066
instruction, training, or education; mental anguish; and any 3067
other intangible loss. 3068

(WW) "Prosecutor" has the same meaning as in section 3069
2935.01 of the Revised Code. 3070

(XX) "Continuous alcohol monitoring" means the ability to 3071
automatically test and periodically transmit alcohol consumption 3072
levels and tamper attempts at least every hour, regardless of 3073
the location of the person who is being monitored. 3074

(YY) A person is "adjudicated a sexually violent predator" 3075

if the person is convicted of or pleads guilty to a violent sex 3076
offense and also is convicted of or pleads guilty to a sexually 3077
violent predator specification that was included in the 3078
indictment, count in the indictment, or information charging 3079
that violent sex offense or if the person is convicted of or 3080
pleads guilty to a designated homicide, assault, or kidnapping 3081
offense and also is convicted of or pleads guilty to both a 3082
sexual motivation specification and a sexually violent predator 3083
specification that were included in the indictment, count in the 3084
indictment, or information charging that designated homicide, 3085
assault, or kidnapping offense. 3086

(ZZ) An offense is "committed in proximity to a school" if 3087
the offender commits the offense in a school safety zone or 3088
within five hundred feet of any school building or the 3089
boundaries of any school premises, regardless of whether the 3090
offender knows the offense is being committed in a school safety 3091
zone or within five hundred feet of any school building or the 3092
boundaries of any school premises. 3093

(AAA) "Human trafficking" means a scheme or plan to which 3094
all of the following apply: 3095

(1) Its object is one or more of the following: 3096

(a) To subject a victim or victims to involuntary 3097
servitude, as defined in section 2905.31 of the Revised Code or 3098
to compel a victim or victims to engage in sexual activity for 3099
hire, to engage in a performance that is obscene, sexually 3100
oriented, or nudity oriented, or to be a model or participant in 3101
the production of material that is obscene, sexually oriented, 3102
or nudity oriented; 3103

(b) To facilitate, encourage, or recruit a victim who is 3104

less than sixteen years of age or is a person with a 3105
developmental disability, or victims who are less than sixteen 3106
years of age or are persons with developmental disabilities, for 3107
any purpose listed in divisions (A) (2) (a) to (c) of section 3108
2905.32 of the Revised Code; 3109

(c) To facilitate, encourage, or recruit a victim who is 3110
sixteen or seventeen years of age, or victims who are sixteen or 3111
seventeen years of age, for any purpose listed in divisions (A) 3112
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 3113
circumstances described in division (A) (5), (6), (7), (8), (9), 3114
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 3115
apply with respect to the person engaging in the conduct and the 3116
victim or victims. 3117

(2) It involves at least two felony offenses, whether or 3118
not there has been a prior conviction for any of the felony 3119
offenses, to which all of the following apply: 3120

(a) Each of the felony offenses is a violation of section 3121
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 3122
division (A) (1) or (2) of section 2907.323, or division (B) (1), 3123
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 3124
is a violation of a law of any state other than this state that 3125
is substantially similar to any of the sections or divisions of 3126
the Revised Code identified in this division. 3127

(b) At least one of the felony offenses was committed in 3128
this state. 3129

(c) The felony offenses are related to the same scheme or 3130
plan and are not isolated instances. 3131

(BBB) "Material," "nudity," "obscene," "performance," and 3132
"sexual activity" have the same meanings as in section 2907.01 3133

of the Revised Code. 3134

(CCC) "Material that is obscene, sexually oriented, or 3135
nudity oriented" means any material that is obscene, that shows 3136
a person participating or engaging in sexual activity, 3137
masturbation, or bestiality, or that shows a person in a state 3138
of nudity. 3139

(DDD) "Performance that is obscene, sexually oriented, or 3140
nudity oriented" means any performance that is obscene, that 3141
shows a person participating or engaging in sexual activity, 3142
masturbation, or bestiality, or that shows a person in a state 3143
of nudity. 3144

Sec. 2929.13. (A) Except as provided in division (E), (F), 3145
or (G) of this section and unless a specific sanction is 3146
required to be imposed or is precluded from being imposed 3147
pursuant to law, a court that imposes a sentence upon an 3148
offender for a felony may impose any sanction or combination of 3149
sanctions on the offender that are provided in sections 2929.14 3150
to 2929.18 of the Revised Code. 3151

If the offender is eligible to be sentenced to community 3152
control sanctions, the court shall consider the appropriateness 3153
of imposing a financial sanction pursuant to section 2929.18 of 3154
the Revised Code or a sanction of community service pursuant to 3155
section 2929.17 of the Revised Code as the sole sanction for the 3156
offense. Except as otherwise provided in this division, if the 3157
court is required to impose a mandatory prison term for the 3158
offense for which sentence is being imposed, the court also 3159
shall impose any financial sanction pursuant to section 2929.18 3160
of the Revised Code that is required for the offense and may 3161
impose any other financial sanction pursuant to that section but 3162
may not impose any additional sanction or combination of 3163

sanctions under section 2929.16 or 2929.17 of the Revised Code. 3164

If the offender is being sentenced for a fourth degree 3165
felony OVI offense or for a third degree felony OVI offense, in 3166
addition to the mandatory term of local incarceration or the 3167
mandatory prison term required for the offense by division (G) 3168
(1) or (2) of this section, the court shall impose upon the 3169
offender a mandatory fine in accordance with division (B) (3) of 3170
section 2929.18 of the Revised Code and may impose whichever of 3171
the following is applicable: 3172

(1) For a fourth degree felony OVI offense for which 3173
sentence is imposed under division (G) (1) of this section, an 3174
additional community control sanction or combination of 3175
community control sanctions under section 2929.16 or 2929.17 of 3176
the Revised Code. If the court imposes upon the offender a 3177
community control sanction and the offender violates any 3178
condition of the community control sanction, the court may take 3179
any action prescribed in division (B) of section 2929.15 of the 3180
Revised Code relative to the offender, including imposing a 3181
prison term on the offender pursuant to that division. 3182

(2) For a third or fourth degree felony OVI offense for 3183
which sentence is imposed under division (G) (2) of this section, 3184
an additional prison term as described in division (B) (4) of 3185
section 2929.14 of the Revised Code or a community control 3186
sanction as described in division (G) (2) of this section. 3187

(B) (1) (a) Except as provided in division (B) (1) (b) of this 3188
section, if an offender is convicted of or pleads guilty to a 3189
felony of the fourth or fifth degree that is not an offense of 3190
violence or that is a qualifying assault offense, the court 3191
shall sentence the offender to a community control sanction of 3192
at least one year's duration if all of the following apply: 3193

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.	3194 3195
(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.	3196 3197
(iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B) (1) (c) of this section, the department, within the forty-five-day period specified in that division, provided the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court.	3198 3199 3200 3201 3202 3203 3204
(iv) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.	3205 3206 3207 3208
(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:	3209 3210 3211 3212 3213
(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.	3214 3215 3216
(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.	3217 3218 3219 3220 3221
(iii) The offender violated a term of the conditions of	3222

bond as set by the court. 3223

(iv) The court made a request of the department of 3224
rehabilitation and correction pursuant to division (B)(1)(c) of 3225
this section, and the department, within the forty-five-day 3226
period specified in that division, did not provide the court 3227
with the name of, contact information for, and program details 3228
of any community control sanction of at least one year's 3229
duration that is available for persons sentenced by the court. 3230

(v) The offense is a sex offense that is a fourth or fifth 3231
degree felony violation of any provision of Chapter 2907. of the 3232
Revised Code. 3233

(vi) In committing the offense, the offender attempted to 3234
cause or made an actual threat of physical harm to a person with 3235
a deadly weapon. 3236

(vii) In committing the offense, the offender attempted to 3237
cause or made an actual threat of physical harm to a person, and 3238
the offender previously was convicted of an offense that caused 3239
physical harm to a person. 3240

(viii) The offender held a public office or position of 3241
trust, and the offense related to that office or position; the 3242
offender's position obliged the offender to prevent the offense 3243
or to bring those committing it to justice; or the offender's 3244
professional reputation or position facilitated the offense or 3245
was likely to influence the future conduct of others. 3246

(ix) The offender committed the offense for hire or as 3247
part of an organized criminal activity. 3248

(x) The offender at the time of the offense was serving, 3249
or the offender previously had served, a prison term. 3250

(xi) The offender committed the offense while under a 3251
community control sanction, while on probation, or while 3252
released from custody on a bond or personal recognizance. 3253

(c) If a court that is sentencing an offender who is 3254
convicted of or pleads guilty to a felony of the fourth or fifth 3255
degree that is not an offense of violence or that is a 3256
qualifying assault offense believes that no community control 3257
sanctions are available for its use that, if imposed on the 3258
offender, will adequately fulfill the overriding principles and 3259
purposes of sentencing, the court shall contact the department 3260
of rehabilitation and correction and ask the department to 3261
provide the court with the names of, contact information for, 3262
and program details of one or more community control sanctions 3263
of at least one year's duration that are available for persons 3264
sentenced by the court. Not later than forty-five days after 3265
receipt of a request from a court under this division, the 3266
department shall provide the court with the names of, contact 3267
information for, and program details of one or more community 3268
control sanctions of at least one year's duration that are 3269
available for persons sentenced by the court, if any. Upon 3270
making a request under this division that relates to a 3271
particular offender, a court shall defer sentencing of that 3272
offender until it receives from the department the names of, 3273
contact information for, and program details of one or more 3274
community control sanctions of at least one year's duration that 3275
are available for persons sentenced by the court or for forty- 3276
five days, whichever is the earlier. 3277

If the department provides the court with the names of, 3278
contact information for, and program details of one or more 3279
community control sanctions of at least one year's duration that 3280
are available for persons sentenced by the court within the 3281

forty-five-day period specified in this division, the court 3282
shall impose upon the offender a community control sanction 3283
under division (B) (1) (a) of this section, except that the court 3284
may impose a prison term under division (B) (1) (b) of this 3285
section if a factor described in division (B) (1) (b) (i) or (ii) 3286
of this section applies. If the department does not provide the 3287
court with the names of, contact information for, and program 3288
details of one or more community control sanctions of at least 3289
one year's duration that are available for persons sentenced by 3290
the court within the forty-five-day period specified in this 3291
division, the court may impose upon the offender a prison term 3292
under division (B) (1) (b) (iv) of this section. 3293

(d) A sentencing court may impose an additional penalty 3294
under division (B) of section 2929.15 of the Revised Code upon 3295
an offender sentenced to a community control sanction under 3296
division (B) (1) (a) of this section if the offender violates the 3297
conditions of the community control sanction, violates a law, or 3298
leaves the state without the permission of the court or the 3299
offender's probation officer. 3300

(2) If division (B) (1) of this section does not apply, 3301
except as provided in division (E), (F), or (G) of this section, 3302
in determining whether to impose a prison term as a sanction for 3303
a felony of the fourth or fifth degree, the sentencing court 3304
shall comply with the purposes and principles of sentencing 3305
under section 2929.11 of the Revised Code and with section 3306
2929.12 of the Revised Code. 3307

(C) Except as provided in division (D), (E), (F), or (G) 3308
of this section, in determining whether to impose a prison term 3309
as a sanction for a felony of the third degree or a felony drug 3310
offense that is a violation of a provision of Chapter 2925. of 3311

the Revised Code and that is specified as being subject to this 3312
division for purposes of sentencing, the sentencing court shall 3313
comply with the purposes and principles of sentencing under 3314
section 2929.11 of the Revised Code and with section 2929.12 of 3315
the Revised Code. 3316

(D) (1) Except as provided in division (E) or (F) of this 3317
section, for a felony of the first or second degree, for a 3318
felony drug offense that is a violation of any provision of 3319
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3320
presumption in favor of a prison term is specified as being 3321
applicable, and for a violation of division (A) (4) or (B) of 3322
section 2907.05 of the Revised Code for which a presumption in 3323
favor of a prison term is specified as being applicable, it is 3324
presumed that a prison term is necessary in order to comply with 3325
the purposes and principles of sentencing under section 2929.11 3326
of the Revised Code. Division (D) (2) of this section does not 3327
apply to a presumption established under this division for a 3328
violation of division (A) (4) of section 2907.05 of the Revised 3329
Code. 3330

(2) Notwithstanding the presumption established under 3331
division (D) (1) of this section for the offenses listed in that 3332
division other than a violation of division (A) (4) or (B) of 3333
section 2907.05 of the Revised Code, the sentencing court may 3334
impose a community control sanction or a combination of 3335
community control sanctions instead of a prison term on an 3336
offender for a felony of the first or second degree or for a 3337
felony drug offense that is a violation of any provision of 3338
Chapter 2925., 3719., or 4729. of the Revised Code for which a 3339
presumption in favor of a prison term is specified as being 3340
applicable if it makes both of the following findings: 3341

(a) A community control sanction or a combination of 3342
community control sanctions would adequately punish the offender 3343
and protect the public from future crime, because the applicable 3344
factors under section 2929.12 of the Revised Code indicating a 3345
lesser likelihood of recidivism outweigh the applicable factors 3346
under that section indicating a greater likelihood of 3347
recidivism. 3348

(b) A community control sanction or a combination of 3349
community control sanctions would not demean the seriousness of 3350
the offense, because one or more factors under section 2929.12 3351
of the Revised Code that indicate that the offender's conduct 3352
was less serious than conduct normally constituting the offense 3353
are applicable, and they outweigh the applicable factors under 3354
that section that indicate that the offender's conduct was more 3355
serious than conduct normally constituting the offense. 3356

(E) (1) Except as provided in division (F) of this section, 3357
for any drug offense that is a violation of any provision of 3358
Chapter 2925. of the Revised Code and that is a felony of the 3359
third, fourth, or fifth degree, the applicability of a 3360
presumption under division (D) of this section in favor of a 3361
prison term or of division (B) or (C) of this section in 3362
determining whether to impose a prison term for the offense 3363
shall be determined as specified in section 2925.02, 2925.03, 3364
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 3365
2925.36, or 2925.37 of the Revised Code, whichever is applicable 3366
regarding the violation. 3367

(2) If an offender who was convicted of or pleaded guilty 3368
to a felony violates the conditions of a community control 3369
sanction imposed for the offense solely by reason of producing 3370
positive results on a drug test or by acting pursuant to 3371

division (B) (2) (b) of section 2925.11 of the Revised Code with 3372
respect to a minor drug possession offense, the court, as 3373
punishment for the violation of the sanction, shall not order 3374
that the offender be imprisoned unless the court determines on 3375
the record either of the following: 3376

(a) The offender had been ordered as a sanction for the 3377
felony to participate in a drug treatment program, in a drug 3378
education program, or in narcotics anonymous or a similar 3379
program, and the offender continued to use illegal drugs after a 3380
reasonable period of participation in the program. 3381

(b) The imprisonment of the offender for the violation is 3382
consistent with the purposes and principles of sentencing set 3383
forth in section 2929.11 of the Revised Code. 3384

(3) A court that sentences an offender for a drug abuse 3385
offense that is a felony of the third, fourth, or fifth degree 3386
may require that the offender be assessed by a properly 3387
credentialed professional within a specified period of time. The 3388
court shall require the professional to file a written 3389
assessment of the offender with the court. If the offender is 3390
eligible for a community control sanction and after considering 3391
the written assessment, the court may impose a community control 3392
sanction that includes addiction services and recovery supports 3393
included in a community-based continuum of care established 3394
under section 340.032 of the Revised Code. If the court imposes 3395
addiction services and recovery supports as a community control 3396
sanction, the court shall direct the level and type of addiction 3397
services and recovery supports after considering the assessment 3398
and recommendation of community addiction services providers. 3399

(F) Notwithstanding divisions (A) to (E) of this section, 3400
the court shall impose a prison term or terms under sections 3401

2929.02 to 2929.06, section 2929.14, section 2929.142, or 3402
section 2971.03 of the Revised Code and except as specifically 3403
provided in section 2929.20, divisions (C) to (I) of section 3404
2967.19, or section 2967.191 of the Revised Code or when parole 3405
is authorized for the offense under section 2967.13 of the 3406
Revised Code shall not reduce the term or terms pursuant to 3407
section 2929.20, section 2967.19, section 2967.193, or any other 3408
provision of Chapter 2967. or Chapter 5120. of the Revised Code 3409
for any of the following offenses: 3410

(1) Aggravated murder when death is not imposed or murder; 3411

(2) Any rape, regardless of whether force was involved and 3412
regardless of the age of the victim, or an attempt to commit 3413
rape if, had the offender completed the rape that was attempted, 3414
the offender would have been guilty of a violation of division 3415
(A) (1) (b) of section 2907.02 of the Revised Code and would be 3416
sentenced under section 2971.03 of the Revised Code; 3417

(3) Gross sexual imposition or sexual battery, if the 3418
victim is less than thirteen years of age and if any of the 3419
following applies: 3420

(a) Regarding gross sexual imposition, the offender 3421
previously was convicted of or pleaded guilty to rape, the 3422
former offense of felonious sexual penetration, gross sexual 3423
imposition, or sexual battery, and the victim of the previous 3424
offense was less than thirteen years of age; 3425

(b) Regarding gross sexual imposition, the offense was 3426
committed on or after August 3, 2006, and evidence other than 3427
the testimony of the victim was admitted in the case 3428
corroborating the violation. 3429

(c) Regarding sexual battery, either of the following 3430

applies: 3431

(i) The offense was committed prior to August 3, 2006, the 3432
offender previously was convicted of or pleaded guilty to rape, 3433
the former offense of felonious sexual penetration, or sexual 3434
battery, and the victim of the previous offense was less than 3435
thirteen years of age. 3436

(ii) The offense was committed on or after August 3, 2006. 3437

(4) A felony violation of section 2903.04, 2903.06, 3438
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 3439
or 2923.132 of the Revised Code if the section requires the 3440
imposition of a prison term; 3441

(5) A first, second, or third degree felony drug offense 3442
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 3443
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 3444
or 4729.99 of the Revised Code, whichever is applicable 3445
regarding the violation, requires the imposition of a mandatory 3446
prison term; 3447

(6) Any offense that is a first or second degree felony 3448
and that is not set forth in division (F)(1), (2), (3), or (4) 3449
of this section, if the offender previously was convicted of or 3450
pleaded guilty to aggravated murder, murder, any first or second 3451
degree felony, or an offense under an existing or former law of 3452
this state, another state, or the United States that is or was 3453
substantially equivalent to one of those offenses; 3454

(7) Any offense that is a third degree felony and either 3455
is a violation of section 2903.04 of the Revised Code or an 3456
attempt to commit a felony of the second degree that is an 3457
offense of violence and involved an attempt to cause serious 3458
physical harm to a person or that resulted in serious physical 3459

harm to a person if the offender previously was convicted of or 3460
pleaded guilty to any of the following offenses: 3461

(a) Aggravated murder, murder, involuntary manslaughter, 3462
rape, felonious sexual penetration as it existed under section 3463
2907.12 of the Revised Code prior to September 3, 1996, a felony 3464
of the first or second degree that resulted in the death of a 3465
person or in physical harm to a person, or complicity in or an 3466
attempt to commit any of those offenses; 3467

(b) An offense under an existing or former law of this 3468
state, another state, or the United States that is or was 3469
substantially equivalent to an offense listed in division (F) (7) 3470
(a) of this section that resulted in the death of a person or in 3471
physical harm to a person. 3472

(8) Any offense, other than a violation of section 2923.12 3473
of the Revised Code, that is a felony, if the offender had a 3474
firearm on or about the offender's person or under the 3475
offender's control while committing the felony, with respect to 3476
a portion of the sentence imposed pursuant to division (B) (1) (a) 3477
of section 2929.14 of the Revised Code for having the firearm; 3478

(9) Any offense of violence that is a felony, if the 3479
offender wore or carried body armor while committing the felony 3480
offense of violence, with respect to the portion of the sentence 3481
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 3482
Revised Code for wearing or carrying the body armor; 3483

(10) Corrupt activity in violation of section 2923.32 of 3484
the Revised Code when the most serious offense in the pattern of 3485
corrupt activity that is the basis of the offense is a felony of 3486
the first degree; 3487

(11) Any violent sex offense or designated homicide, 3488

assault, or kidnapping offense if, in relation to that offense, 3489
the offender is adjudicated a sexually violent predator; 3490

(12) A violation of division (A) (1) or (2) of section 3491
2921.36 of the Revised Code, or a violation of division (C) of 3492
that section involving an item listed in division (A) (1) or (2) 3493
of that section, if the offender is an officer or employee of 3494
the department of rehabilitation and correction; 3495

(13) A violation of division (A) (1) or (2) of section 3496
2903.06 of the Revised Code if the victim of the offense is a 3497
peace officer, as defined in section 2935.01 of the Revised 3498
Code, or an investigator of the bureau of criminal 3499
identification and investigation, as defined in section 2903.11 3500
of the Revised Code, with respect to the portion of the sentence 3501
imposed pursuant to division (B) (5) of section 2929.14 of the 3502
Revised Code; 3503

(14) A violation of division (A) (1) or (2) of section 3504
2903.06 of the Revised Code if the offender has been convicted 3505
of or pleaded guilty to three or more violations of division (A) 3506
or (B) of section 4511.19 of the Revised Code or an equivalent 3507
offense, as defined in section 2941.1415 of the Revised Code, or 3508
three or more violations of any combination of those divisions 3509
and offenses, with respect to the portion of the sentence 3510
imposed pursuant to division (B) (6) of section 2929.14 of the 3511
Revised Code; 3512

(15) Kidnapping, in the circumstances specified in section 3513
2971.03 of the Revised Code and when no other provision of 3514
division (F) of this section applies; 3515

(16) Kidnapping, abduction, compelling prostitution, 3516
promoting prostitution, engaging in a pattern of corrupt 3517

activity, illegal use of a minor in a nudity-oriented material 3518
or performance in violation of division (A) (1) or (2) of section 3519
2907.323 of the Revised Code, or endangering children in 3520
violation of division (B) (1), (2), (3), (4), or (5) of section 3521
2919.22 of the Revised Code, if the offender is convicted of or 3522
pleads guilty to a specification as described in section 3523
2941.1422 of the Revised Code that was included in the 3524
indictment, count in the indictment, or information charging the 3525
offense; 3526

(17) A felony violation of division (A) or (B) of section 3527
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 3528
that section, and division (D) (6) of that section, require the 3529
imposition of a prison term; 3530

(18) A felony violation of section 2903.11, 2903.12, or 3531
2903.13 of the Revised Code, if the victim of the offense was a 3532
woman that the offender knew was pregnant at the time of the 3533
violation, with respect to a portion of the sentence imposed 3534
pursuant to division (B) (8) of section 2929.14 of the Revised 3535
Code; 3536

(19) (a) Any violent felony offense if the offender is a 3537
violent career criminal and had a firearm on or about the 3538
offender's person or under the offender's control during the 3539
commission of the violent felony offense and displayed or 3540
brandished the firearm, indicated that the offender possessed a 3541
firearm, or used the firearm to facilitate the offense, with 3542
respect to the portion of the sentence imposed under division 3543
(K) of section 2929.14 of the Revised Code. 3544

(b) As used in division (F) (19) (a) of this section, 3545
"violent career criminal" and "violent felony offense" have the 3546
same meanings as in section 2923.132 of the Revised Code. 3547

(20) A felony violation of section 2925.03, 2925.05, or 3548
2925.11 of the Revised Code, if the drug involved in the 3549
violation is a fentanyl-related compound or a compound, mixture, 3550
preparation, or substance containing a fentanyl-related compound 3551
and the offender is convicted of or pleads guilty to a 3552
specification of the type described in division (B) of section 3553
2941.1410 of the Revised Code that was included in the 3554
indictment, count in the indictment, or information charging the 3555
offense, with respect to the portion of the sentence imposed 3556
under division (B) (9) of section 2929.14 of the Revised Code. 3557

(G) Notwithstanding divisions (A) to (E) of this section, 3558
if an offender is being sentenced for a fourth degree felony OVI 3559
offense or for a third degree felony OVI offense, the court 3560
shall impose upon the offender a mandatory term of local 3561
incarceration or a mandatory prison term in accordance with the 3562
following: 3563

(1) If the offender is being sentenced for a fourth degree 3564
felony OVI offense and if the offender has not been convicted of 3565
and has not pleaded guilty to a specification of the type 3566
described in section 2941.1413 of the Revised Code, the court 3567
may impose upon the offender a mandatory term of local 3568
incarceration of sixty days or one hundred twenty days as 3569
specified in division (G) (1) (d) of section 4511.19 of the 3570
Revised Code. The court shall not reduce the term pursuant to 3571
section 2929.20, 2967.193, or any other provision of the Revised 3572
Code. The court that imposes a mandatory term of local 3573
incarceration under this division shall specify whether the term 3574
is to be served in a jail, a community-based correctional 3575
facility, a halfway house, or an alternative residential 3576
facility, and the offender shall serve the term in the type of 3577
facility specified by the court. A mandatory term of local 3578

incarceration imposed under division (G) (1) of this section is 3579
not subject to any other Revised Code provision that pertains to 3580
a prison term except as provided in division (A) (1) of this 3581
section. 3582

(2) If the offender is being sentenced for a third degree 3583
felony OVI offense, or if the offender is being sentenced for a 3584
fourth degree felony OVI offense and the court does not impose a 3585
mandatory term of local incarceration under division (G) (1) of 3586
this section, the court shall impose upon the offender a 3587
mandatory prison term of one, two, three, four, or five years if 3588
the offender also is convicted of or also pleads guilty to a 3589
specification of the type described in section 2941.1413 of the 3590
Revised Code or shall impose upon the offender a mandatory 3591
prison term of sixty days or one hundred twenty days as 3592
specified in division (G) (1) (d) or (e) of section 4511.19 of the 3593
Revised Code if the offender has not been convicted of and has 3594
not pleaded guilty to a specification of that type. Subject to 3595
divisions (C) to (I) of section 2967.19 of the Revised Code, the 3596
court shall not reduce the term pursuant to section 2929.20, 3597
2967.19, 2967.193, or any other provision of the Revised Code. 3598
The offender shall serve the one-, two-, three-, four-, or five- 3599
year mandatory prison term consecutively to and prior to the 3600
prison term imposed for the underlying offense and consecutively 3601
to any other mandatory prison term imposed in relation to the 3602
offense. In no case shall an offender who once has been 3603
sentenced to a mandatory term of local incarceration pursuant to 3604
division (G) (1) of this section for a fourth degree felony OVI 3605
offense be sentenced to another mandatory term of local 3606
incarceration under that division for any violation of division 3607
(A) of section 4511.19 of the Revised Code. In addition to the 3608
mandatory prison term described in division (G) (2) of this 3609

section, the court may sentence the offender to a community 3610
control sanction under section 2929.16 or 2929.17 of the Revised 3611
Code, but the offender shall serve the prison term prior to 3612
serving the community control sanction. The department of 3613
rehabilitation and correction may place an offender sentenced to 3614
a mandatory prison term under this division in an intensive 3615
program prison established pursuant to section 5120.033 of the 3616
Revised Code if the department gave the sentencing judge prior 3617
notice of its intent to place the offender in an intensive 3618
program prison established under that section and if the judge 3619
did not notify the department that the judge disapproved the 3620
placement. Upon the establishment of the initial intensive 3621
program prison pursuant to section 5120.033 of the Revised Code 3622
that is privately operated and managed by a contractor pursuant 3623
to a contract entered into under section 9.06 of the Revised 3624
Code, both of the following apply: 3625

(a) The department of rehabilitation and correction shall 3626
make a reasonable effort to ensure that a sufficient number of 3627
offenders sentenced to a mandatory prison term under this 3628
division are placed in the privately operated and managed prison 3629
so that the privately operated and managed prison has full 3630
occupancy. 3631

(b) Unless the privately operated and managed prison has 3632
full occupancy, the department of rehabilitation and correction 3633
shall not place any offender sentenced to a mandatory prison 3634
term under this division in any intensive program prison 3635
established pursuant to section 5120.033 of the Revised Code 3636
other than the privately operated and managed prison. 3637

(H) If an offender is being sentenced for a sexually 3638
oriented offense or child-victim oriented offense that is a 3639

felony committed on or after January 1, 1997, the judge shall 3640
require the offender to submit to a DNA specimen collection 3641
procedure pursuant to section 2901.07 of the Revised Code. 3642

(I) If an offender is being sentenced for a sexually 3643
oriented offense or a child-victim oriented offense committed on 3644
or after January 1, 1997, the judge shall include in the 3645
sentence a summary of the offender's duties imposed under 3646
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 3647
Code and the duration of the duties. The judge shall inform the 3648
offender, at the time of sentencing, of those duties and of 3649
their duration. If required under division (A) (2) of section 3650
2950.03 of the Revised Code, the judge shall perform the duties 3651
specified in that section, or, if required under division (A) (6) 3652
of section 2950.03 of the Revised Code, the judge shall perform 3653
the duties specified in that division. 3654

(J) (1) Except as provided in division (J) (2) of this 3655
section, when considering sentencing factors under this section 3656
in relation to an offender who is convicted of or pleads guilty 3657
to an attempt to commit an offense in violation of section 3658
2923.02 of the Revised Code, the sentencing court shall consider 3659
the factors applicable to the felony category of the violation 3660
of section 2923.02 of the Revised Code instead of the factors 3661
applicable to the felony category of the offense attempted. 3662

(2) When considering sentencing factors under this section 3663
in relation to an offender who is convicted of or pleads guilty 3664
to an attempt to commit a drug abuse offense for which the 3665
penalty is determined by the amount or number of unit doses of 3666
the controlled substance involved in the drug abuse offense, the 3667
sentencing court shall consider the factors applicable to the 3668
felony category that the drug abuse offense attempted would be 3669

if that drug abuse offense had been committed and had involved 3670
an amount or number of unit doses of the controlled substance 3671
that is within the next lower range of controlled substance 3672
amounts than was involved in the attempt. 3673

(K) As used in this section: 3674

(1) "Community addiction services provider" has the same 3675
meaning as in section 5119.01 of the Revised Code. 3676

(2) "Drug abuse offense" has the same meaning as in 3677
section 2925.01 of the Revised Code. 3678

(3) "Minor drug possession offense" has the same meaning 3679
as in section 2925.11 of the Revised Code. 3680

(4) "Qualifying assault offense" means a violation of 3681
section 2903.13 of the Revised Code for which the penalty 3682
provision in division (C) (8) (b) or (C) (9) (b) of that section 3683
applies. 3684

(L) At the time of sentencing an offender for any sexually 3685
oriented offense, if the offender is a tier III sex 3686
offender/child-victim offender relative to that offense and the 3687
offender does not serve a prison term or jail term, the court 3688
may require that the offender be monitored by means of a global 3689
positioning device. If the court requires such monitoring, the 3690
cost of monitoring shall be borne by the offender. If the 3691
offender is indigent, the cost of compliance shall be paid by 3692
the crime victims reparations fund. 3693

Sec. 2929.14. (A) Except as provided in division (B) (1), 3694
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 3695
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 3696
of section 2919.25 of the Revised Code and except in relation to 3697
an offense for which a sentence of death or life imprisonment is 3698

to be imposed, if the court imposing a sentence upon an offender 3699
for a felony elects or is required to impose a prison term on 3700
the offender pursuant to this chapter, the court shall impose a 3701
definite prison term that shall be one of the following: 3702

(1) For a felony of the first degree, the prison term 3703
shall be three, four, five, six, seven, eight, nine, ten, or 3704
eleven years. 3705

(2) For a felony of the second degree, the prison term 3706
shall be two, three, four, five, six, seven, or eight years. 3707

(3) (a) For a felony of the third degree that is a 3708
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3709
2907.05, or 3795.04 of the Revised Code or that is a violation 3710
of section 2911.02 or 2911.12 of the Revised Code if the 3711
offender previously has been convicted of or pleaded guilty in 3712
two or more separate proceedings to two or more violations of 3713
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 3714
Code, the prison term shall be twelve, eighteen, twenty-four, 3715
thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty 3716
months. 3717

(b) For a felony of the third degree that is not an 3718
offense for which division (A) (3) (a) of this section applies, 3719
the prison term shall be nine, twelve, eighteen, twenty-four, 3720
thirty, or thirty-six months. 3721

(4) For a felony of the fourth degree, the prison term 3722
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 3723
fourteen, fifteen, sixteen, seventeen, or eighteen months. 3724

(5) For a felony of the fifth degree, the prison term 3725
shall be six, seven, eight, nine, ten, eleven, or twelve months. 3726

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3727

section, if an offender who is convicted of or pleads guilty to 3728
a felony also is convicted of or pleads guilty to a 3729
specification of the type described in section 2941.141, 3730
2941.144, or 2941.145 of the Revised Code, the court shall 3731
impose on the offender one of the following prison terms: 3732

(i) A prison term of six years if the specification is of 3733
the type described in division (A) of section 2941.144 of the 3734
Revised Code that charges the offender with having a firearm 3735
that is an automatic firearm or that was equipped with a firearm 3736
muffler or suppressor on or about the offender's person or under 3737
the offender's control while committing the offense; 3738

(ii) A prison term of three years if the specification is 3739
of the type described in division (A) of section 2941.145 of the 3740
Revised Code that charges the offender with having a firearm on 3741
or about the offender's person or under the offender's control 3742
while committing the offense and displaying the firearm, 3743
brandishing the firearm, indicating that the offender possessed 3744
the firearm, or using it to facilitate the offense; 3745

(iii) A prison term of one year if the specification is of 3746
the type described in division (A) of section 2941.141 of the 3747
Revised Code that charges the offender with having a firearm on 3748
or about the offender's person or under the offender's control 3749
while committing the offense; 3750

(iv) A prison term of nine years if the specification is 3751
of the type described in division (D) of section 2941.144 of the 3752
Revised Code that charges the offender with having a firearm 3753
that is an automatic firearm or that was equipped with a firearm 3754
muffler or suppressor on or about the offender's person or under 3755
the offender's control while committing the offense and 3756
specifies that the offender previously has been convicted of or 3757

pleaded guilty to a specification of the type described in 3758
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3759
the Revised Code; 3760

(v) A prison term of fifty-four months if the 3761
specification is of the type described in division (D) of 3762
section 2941.145 of the Revised Code that charges the offender 3763
with having a firearm on or about the offender's person or under 3764
the offender's control while committing the offense and 3765
displaying the firearm, brandishing the firearm, indicating that 3766
the offender possessed the firearm, or using the firearm to 3767
facilitate the offense and that the offender previously has been 3768
convicted of or pleaded guilty to a specification of the type 3769
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3770
2941.1412 of the Revised Code; 3771

(vi) A prison term of eighteen months if the specification 3772
is of the type described in division (D) of section 2941.141 of 3773
the Revised Code that charges the offender with having a firearm 3774
on or about the offender's person or under the offender's 3775
control while committing the offense and that the offender 3776
previously has been convicted of or pleaded guilty to a 3777
specification of the type described in section 2941.141, 3778
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3779

(b) If a court imposes a prison term on an offender under 3780
division (B) (1) (a) of this section, the prison term shall not be 3781
reduced pursuant to section 2967.19, section 2929.20, section 3782
2967.193, or any other provision of Chapter 2967. or Chapter 3783
5120. of the Revised Code. Except as provided in division (B) (1) 3784
(g) of this section, a court shall not impose more than one 3785
prison term on an offender under division (B) (1) (a) of this 3786
section for felonies committed as part of the same act or 3787

transaction. 3788

(c) (i) Except as provided in division (B) (1) (e) of this 3789
section, if an offender who is convicted of or pleads guilty to 3790
a violation of section 2923.161 of the Revised Code or to a 3791
felony that includes, as an essential element, purposely or 3792
knowingly causing or attempting to cause the death of or 3793
physical harm to another, also is convicted of or pleads guilty 3794
to a specification of the type described in division (A) of 3795
section 2941.146 of the Revised Code that charges the offender 3796
with committing the offense by discharging a firearm from a 3797
motor vehicle other than a manufactured home, the court, after 3798
imposing a prison term on the offender for the violation of 3799
section 2923.161 of the Revised Code or for the other felony 3800
offense under division (A), (B) (2), or (B) (3) of this section, 3801
shall impose an additional prison term of five years upon the 3802
offender that shall not be reduced pursuant to section 2929.20, 3803
section 2967.19, section 2967.193, or any other provision of 3804
Chapter 2967. or Chapter 5120. of the Revised Code. 3805

(ii) Except as provided in division (B) (1) (e) of this 3806
section, if an offender who is convicted of or pleads guilty to 3807
a violation of section 2923.161 of the Revised Code or to a 3808
felony that includes, as an essential element, purposely or 3809
knowingly causing or attempting to cause the death of or 3810
physical harm to another, also is convicted of or pleads guilty 3811
to a specification of the type described in division (C) of 3812
section 2941.146 of the Revised Code that charges the offender 3813
with committing the offense by discharging a firearm from a 3814
motor vehicle other than a manufactured home and that the 3815
offender previously has been convicted of or pleaded guilty to a 3816
specification of the type described in section 2941.141, 3817
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3818

the court, after imposing a prison term on the offender for the 3819
violation of section 2923.161 of the Revised Code or for the 3820
other felony offense under division (A), (B) (2), or (3) of this 3821
section, shall impose an additional prison term of ninety months 3822
upon the offender that shall not be reduced pursuant to section 3823
2929.20, 2967.19, 2967.193, or any other provision of Chapter 3824
2967. or Chapter 5120. of the Revised Code. 3825

(iii) A court shall not impose more than one additional 3826
prison term on an offender under division (B) (1) (c) of this 3827
section for felonies committed as part of the same act or 3828
transaction. If a court imposes an additional prison term on an 3829
offender under division (B) (1) (c) of this section relative to an 3830
offense, the court also shall impose a prison term under 3831
division (B) (1) (a) of this section relative to the same offense, 3832
provided the criteria specified in that division for imposing an 3833
additional prison term are satisfied relative to the offender 3834
and the offense. 3835

(d) If an offender who is convicted of or pleads guilty to 3836
an offense of violence that is a felony also is convicted of or 3837
pleads guilty to a specification of the type described in 3838
section 2941.1411 of the Revised Code that charges the offender 3839
with wearing or carrying body armor while committing the felony 3840
offense of violence, the court shall impose on the offender a 3841
prison term of two years. The prison term so imposed, subject to 3842
divisions (C) to (I) of section 2967.19 of the Revised Code, 3843
shall not be reduced pursuant to section 2929.20, section 3844
2967.19, section 2967.193, or any other provision of Chapter 3845
2967. or Chapter 5120. of the Revised Code. A court shall not 3846
impose more than one prison term on an offender under division 3847
(B) (1) (d) of this section for felonies committed as part of the 3848
same act or transaction. If a court imposes an additional prison 3849

term under division (B) (1) (a) or (c) of this section, the court 3850
is not precluded from imposing an additional prison term under 3851
division (B) (1) (d) of this section. 3852

(e) The court shall not impose any of the prison terms 3853
described in division (B) (1) (a) of this section or any of the 3854
additional prison terms described in division (B) (1) (c) of this 3855
section upon an offender for a violation of section 2923.12 or 3856
2923.123 of the Revised Code. The court shall not impose any of 3857
the prison terms described in division (B) (1) (a) or (b) of this 3858
section upon an offender for a violation of section 2923.122 3859
that involves a deadly weapon that is a firearm other than a 3860
dangerous ordnance, section 2923.16, or section 2923.121 of the 3861
Revised Code. The court shall not impose any of the prison terms 3862
described in division (B) (1) (a) of this section or any of the 3863
additional prison terms described in division (B) (1) (c) of this 3864
section upon an offender for a violation of section 2923.13 of 3865
the Revised Code unless all of the following apply: 3866

(i) The offender previously has been convicted of 3867
aggravated murder, murder, or any felony of the first or second 3868
degree. 3869

(ii) Less than five years have passed since the offender 3870
was released from prison or post-release control, whichever is 3871
later, for the prior offense. 3872

(f) (i) If an offender is convicted of or pleads guilty to 3873
a felony that includes, as an essential element, causing or 3874
attempting to cause the death of or physical harm to another and 3875
also is convicted of or pleads guilty to a specification of the 3876
type described in division (A) of section 2941.1412 of the 3877
Revised Code that charges the offender with committing the 3878
offense by discharging a firearm at a peace officer as defined 3879

in section 2935.01 of the Revised Code or a corrections officer, 3880
as defined in section 2941.1412 of the Revised Code, the court, 3881
after imposing a prison term on the offender for the felony 3882
offense under division (A), (B) (2), or (B) (3) of this section, 3883
shall impose an additional prison term of seven years upon the 3884
offender that shall not be reduced pursuant to section 2929.20, 3885
section 2967.19, section 2967.193, or any other provision of 3886
Chapter 2967. or Chapter 5120. of the Revised Code. 3887

(ii) If an offender is convicted of or pleads guilty to a 3888
felony that includes, as an essential element, causing or 3889
attempting to cause the death of or physical harm to another and 3890
also is convicted of or pleads guilty to a specification of the 3891
type described in division (B) of section 2941.1412 of the 3892
Revised Code that charges the offender with committing the 3893
offense by discharging a firearm at a peace officer, as defined 3894
in section 2935.01 of the Revised Code, or a corrections 3895
officer, as defined in section 2941.1412 of the Revised Code, 3896
and that the offender previously has been convicted of or 3897
pleaded guilty to a specification of the type described in 3898
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3899
the Revised Code, the court, after imposing a prison term on the 3900
offender for the felony offense under division (A), (B) (2), or 3901
(3) of this section, shall impose an additional prison term of 3902
one hundred twenty-six months upon the offender that shall not 3903
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 3904
any other provision of Chapter 2967. or 5120. of the Revised 3905
Code. 3906

(iii) If an offender is convicted of or pleads guilty to 3907
two or more felonies that include, as an essential element, 3908
causing or attempting to cause the death or physical harm to 3909
another and also is convicted of or pleads guilty to a 3910

specification of the type described under division (B) (1) (f) of 3911
this section in connection with two or more of the felonies of 3912
which the offender is convicted or to which the offender pleads 3913
guilty, the sentencing court shall impose on the offender the 3914
prison term specified under division (B) (1) (f) of this section 3915
for each of two of the specifications of which the offender is 3916
convicted or to which the offender pleads guilty and, in its 3917
discretion, also may impose on the offender the prison term 3918
specified under that division for any or all of the remaining 3919
specifications. If a court imposes an additional prison term on 3920
an offender under division (B) (1) (f) of this section relative to 3921
an offense, the court shall not impose a prison term under 3922
division (B) (1) (a) or (c) of this section relative to the same 3923
offense. 3924

(g) If an offender is convicted of or pleads guilty to two 3925
or more felonies, if one or more of those felonies are 3926
aggravated murder, murder, attempted aggravated murder, 3927
attempted murder, aggravated robbery, felonious assault, or 3928
rape, and if the offender is convicted of or pleads guilty to a 3929
specification of the type described under division (B) (1) (a) of 3930
this section in connection with two or more of the felonies, the 3931
sentencing court shall impose on the offender the prison term 3932
specified under division (B) (1) (a) of this section for each of 3933
the two most serious specifications of which the offender is 3934
convicted or to which the offender pleads guilty and, in its 3935
discretion, also may impose on the offender the prison term 3936
specified under that division for any or all of the remaining 3937
specifications. 3938

(2) (a) If division (B) (2) (b) of this section does not 3939
apply, the court may impose on an offender, in addition to the 3940
longest prison term authorized or required for the offense, an 3941

additional definite prison term of one, two, three, four, five, 3942
six, seven, eight, nine, or ten years if all of the following 3943
criteria are met: 3944

(i) The offender is convicted of or pleads guilty to a 3945
specification of the type described in section 2941.149 of the 3946
Revised Code that the offender is a repeat violent offender. 3947

(ii) The offense of which the offender currently is 3948
convicted or to which the offender currently pleads guilty is 3949
aggravated murder and the court does not impose a sentence of 3950
death or life imprisonment without parole, murder, terrorism and 3951
the court does not impose a sentence of life imprisonment 3952
without parole, any felony of the first degree that is an 3953
offense of violence and the court does not impose a sentence of 3954
life imprisonment without parole, or any felony of the second 3955
degree that is an offense of violence and the trier of fact 3956
finds that the offense involved an attempt to cause or a threat 3957
to cause serious physical harm to a person or resulted in 3958
serious physical harm to a person. 3959

(iii) The court imposes the longest prison term for the 3960
offense that is not life imprisonment without parole. 3961

(iv) The court finds that the prison terms imposed 3962
pursuant to division (B)(2)(a)(iii) of this section and, if 3963
applicable, division (B)(1) or (3) of this section are 3964
inadequate to punish the offender and protect the public from 3965
future crime, because the applicable factors under section 3966
2929.12 of the Revised Code indicating a greater likelihood of 3967
recidivism outweigh the applicable factors under that section 3968
indicating a lesser likelihood of recidivism. 3969

(v) The court finds that the prison terms imposed pursuant 3970

to division (B) (2) (a) (iii) of this section and, if applicable, 3971
division (B) (1) or (3) of this section are demeaning to the 3972
seriousness of the offense, because one or more of the factors 3973
under section 2929.12 of the Revised Code indicating that the 3974
offender's conduct is more serious than conduct normally 3975
constituting the offense are present, and they outweigh the 3976
applicable factors under that section indicating that the 3977
offender's conduct is less serious than conduct normally 3978
constituting the offense. 3979

(b) The court shall impose on an offender the longest 3980
prison term authorized or required for the offense and shall 3981
impose on the offender an additional definite prison term of 3982
one, two, three, four, five, six, seven, eight, nine, or ten 3983
years if all of the following criteria are met: 3984

(i) The offender is convicted of or pleads guilty to a 3985
specification of the type described in section 2941.149 of the 3986
Revised Code that the offender is a repeat violent offender. 3987

(ii) The offender within the preceding twenty years has 3988
been convicted of or pleaded guilty to three or more offenses 3989
described in division (CC) (1) of section 2929.01 of the Revised 3990
Code, including all offenses described in that division of which 3991
the offender is convicted or to which the offender pleads guilty 3992
in the current prosecution and all offenses described in that 3993
division of which the offender previously has been convicted or 3994
to which the offender previously pleaded guilty, whether 3995
prosecuted together or separately. 3996

(iii) The offense or offenses of which the offender 3997
currently is convicted or to which the offender currently pleads 3998
guilty is aggravated murder and the court does not impose a 3999
sentence of death or life imprisonment without parole, murder, 4000

terrorism and the court does not impose a sentence of life 4001
imprisonment without parole, any felony of the first degree that 4002
is an offense of violence and the court does not impose a 4003
sentence of life imprisonment without parole, or any felony of 4004
the second degree that is an offense of violence and the trier 4005
of fact finds that the offense involved an attempt to cause or a 4006
threat to cause serious physical harm to a person or resulted in 4007
serious physical harm to a person. 4008

(c) For purposes of division (B) (2) (b) of this section, 4009
two or more offenses committed at the same time or as part of 4010
the same act or event shall be considered one offense, and that 4011
one offense shall be the offense with the greatest penalty. 4012

(d) A sentence imposed under division (B) (2) (a) or (b) of 4013
this section shall not be reduced pursuant to section 2929.20, 4014
section 2967.19, or section 2967.193, or any other provision of 4015
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 4016
shall serve an additional prison term imposed under this section 4017
consecutively to and prior to the prison term imposed for the 4018
underlying offense. 4019

(e) When imposing a sentence pursuant to division (B) (2) 4020
(a) or (b) of this section, the court shall state its findings 4021
explaining the imposed sentence. 4022

(3) Except when an offender commits a violation of section 4023
2903.01 or 2907.02 of the Revised Code and the penalty imposed 4024
for the violation is life imprisonment or commits a violation of 4025
section 2903.02 of the Revised Code, if the offender commits a 4026
violation of section 2925.03 or 2925.11 of the Revised Code and 4027
that section classifies the offender as a major drug offender, 4028
if the offender commits a violation of section 2925.05 of the 4029
Revised Code and division (E) (1) of that section classifies the 4030

offender as a major drug offender, if the offender commits a 4031
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 4032
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 4033
division (C) or (D) of section 3719.172, division (E) of section 4034
4729.51, or division (J) of section 4729.54 of the Revised Code 4035
that includes the sale, offer to sell, or possession of a 4036
schedule I or II controlled substance, with the exception of 4037
marihuana, and the court imposing sentence upon the offender 4038
finds that the offender is guilty of a specification of the type 4039
described in division (A) of section 2941.1410 of the Revised 4040
Code charging that the offender is a major drug offender, if the 4041
court imposing sentence upon an offender for a felony finds that 4042
the offender is guilty of corrupt activity with the most serious 4043
offense in the pattern of corrupt activity being a felony of the 4044
first degree, or if the offender is guilty of an attempted 4045
violation of section 2907.02 of the Revised Code and, had the 4046
offender completed the violation of section 2907.02 of the 4047
Revised Code that was attempted, the offender would have been 4048
subject to a sentence of life imprisonment or life imprisonment 4049
without parole for the violation of section 2907.02 of the 4050
Revised Code, the court shall impose upon the offender for the 4051
felony violation a mandatory prison term of the maximum prison 4052
term prescribed for a felony of the first degree that, subject 4053
to divisions (C) to (I) of section 2967.19 of the Revised Code, 4054
cannot be reduced pursuant to section 2929.20, section 2967.19, 4055
or any other provision of Chapter 2967. or 5120. of the Revised 4056
Code. 4057

(4) If the offender is being sentenced for a third or 4058
fourth degree felony OVI offense under division (G) (2) of 4059
section 2929.13 of the Revised Code, the sentencing court shall 4060
impose upon the offender a mandatory prison term in accordance 4061

with that division. In addition to the mandatory prison term, if 4062
the offender is being sentenced for a fourth degree felony OVI 4063
offense, the court, notwithstanding division (A) (4) of this 4064
section, may sentence the offender to a definite prison term of 4065
not less than six months and not more than thirty months, and if 4066
the offender is being sentenced for a third degree felony OVI 4067
offense, the sentencing court may sentence the offender to an 4068
additional prison term of any duration specified in division (A) 4069
(3) of this section. In either case, the additional prison term 4070
imposed shall be reduced by the sixty or one hundred twenty days 4071
imposed upon the offender as the mandatory prison term. The 4072
total of the additional prison term imposed under division (B) 4073
(4) of this section plus the sixty or one hundred twenty days 4074
imposed as the mandatory prison term shall equal a definite term 4075
in the range of six months to thirty months for a fourth degree 4076
felony OVI offense and shall equal one of the authorized prison 4077
terms specified in division (A) (3) of this section for a third 4078
degree felony OVI offense. If the court imposes an additional 4079
prison term under division (B) (4) of this section, the offender 4080
shall serve the additional prison term after the offender has 4081
served the mandatory prison term required for the offense. In 4082
addition to the mandatory prison term or mandatory and 4083
additional prison term imposed as described in division (B) (4) 4084
of this section, the court also may sentence the offender to a 4085
community control sanction under section 2929.16 or 2929.17 of 4086
the Revised Code, but the offender shall serve all of the prison 4087
terms so imposed prior to serving the community control 4088
sanction. 4089

If the offender is being sentenced for a fourth degree 4090
felony OVI offense under division (G) (1) of section 2929.13 of 4091
the Revised Code and the court imposes a mandatory term of local 4092

incarceration, the court may impose a prison term as described 4093
in division (A) (1) of that section. 4094

(5) If an offender is convicted of or pleads guilty to a 4095
violation of division (A) (1) or (2) of section 2903.06 of the 4096
Revised Code and also is convicted of or pleads guilty to a 4097
specification of the type described in section 2941.1414 of the 4098
Revised Code that charges that the victim of the offense is a 4099
peace officer, as defined in section 2935.01 of the Revised 4100
Code, or an investigator of the bureau of criminal 4101
identification and investigation, as defined in section 2903.11 4102
of the Revised Code, the court shall impose on the offender a 4103
prison term of five years. If a court imposes a prison term on 4104
an offender under division (B) (5) of this section, the prison 4105
term, subject to divisions (C) to (I) of section 2967.19 of the 4106
Revised Code, shall not be reduced pursuant to section 2929.20, 4107
section 2967.19, section 2967.193, or any other provision of 4108
Chapter 2967. or Chapter 5120. of the Revised Code. A court 4109
shall not impose more than one prison term on an offender under 4110
division (B) (5) of this section for felonies committed as part 4111
of the same act. 4112

(6) If an offender is convicted of or pleads guilty to a 4113
violation of division (A) (1) or (2) of section 2903.06 of the 4114
Revised Code and also is convicted of or pleads guilty to a 4115
specification of the type described in section 2941.1415 of the 4116
Revised Code that charges that the offender previously has been 4117
convicted of or pleaded guilty to three or more violations of 4118
division (A) or (B) of section 4511.19 of the Revised Code or an 4119
equivalent offense, as defined in section 2941.1415 of the 4120
Revised Code, or three or more violations of any combination of 4121
those divisions and offenses, the court shall impose on the 4122
offender a prison term of three years. If a court imposes a 4123

prison term on an offender under division (B) (6) of this 4124
section, the prison term, subject to divisions (C) to (I) of 4125
section 2967.19 of the Revised Code, shall not be reduced 4126
pursuant to section 2929.20, section 2967.19, section 2967.193, 4127
or any other provision of Chapter 2967. or Chapter 5120. of the 4128
Revised Code. A court shall not impose more than one prison term 4129
on an offender under division (B) (6) of this section for 4130
felonies committed as part of the same act. 4131

(7) (a) If an offender is convicted of or pleads guilty to 4132
a felony violation of section 2905.01, 2905.02, 2907.21, 4133
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 4134
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 4135
the Revised Code and also is convicted of or pleads guilty to a 4136
specification of the type described in section 2941.1422 of the 4137
Revised Code that charges that the offender knowingly committed 4138
the offense in furtherance of human trafficking, the court shall 4139
impose on the offender a mandatory prison term that is one of 4140
the following: 4141

(i) If the offense is a felony of the first degree, a 4142
definite prison term of not less than five years and not greater 4143
than ten years; 4144

(ii) If the offense is a felony of the second or third 4145
degree, a definite prison term of not less than three years and 4146
not greater than the maximum prison term allowed for the offense 4147
by division (A) of section 2929.14 of the Revised Code; 4148

(iii) If the offense is a felony of the fourth or fifth 4149
degree, a definite prison term that is the maximum prison term 4150
allowed for the offense by division (A) of section 2929.14 of 4151
the Revised Code. 4152

(b) Subject to divisions (C) to (I) of section 2967.19 of 4153
the Revised Code, the prison term imposed under division (B) (7) 4154
(a) of this section shall not be reduced pursuant to section 4155
2929.20, section 2967.19, section 2967.193, or any other 4156
provision of Chapter 2967. of the Revised Code. A court shall 4157
not impose more than one prison term on an offender under 4158
division (B) (7) (a) of this section for felonies committed as 4159
part of the same act, scheme, or plan. 4160

(8) If an offender is convicted of or pleads guilty to a 4161
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4162
Revised Code and also is convicted of or pleads guilty to a 4163
specification of the type described in section 2941.1423 of the 4164
Revised Code that charges that the victim of the violation was a 4165
woman whom the offender knew was pregnant at the time of the 4166
violation, notwithstanding the range of prison terms prescribed 4167
in division (A) of this section for felonies of the same degree 4168
as the violation, the court shall impose on the offender a 4169
mandatory prison term that is either a definite prison term of 4170
six months or one of the prison terms prescribed in section 4171
2929.14 of the Revised Code for felonies of the same degree as 4172
the violation. 4173

(9) If an offender is convicted of or pleads guilty to a 4174
felony violation of section 2925.03 or 2925.05 of the Revised 4175
Code or a felony violation of section 2925.11 of the Revised 4176
Code for which division (C) (10) of that section applies in 4177
determining the sentence for the violation, if the drug involved 4178
in the violation is a fentanyl-related compound or a compound, 4179
mixture, preparation, or substance containing a fentanyl-related 4180
compound, and if the offender also is convicted of or pleads 4181
guilty to a specification of the type described in division (B) 4182
of section 2941.1410 of the Revised Code that charges that the 4183

offender is a major drug offender, in addition to any other 4184
penalty imposed for the violation, the court shall impose on the 4185
offender a mandatory prison term of three, four, five, six, 4186
seven, or eight years. If a court imposes a prison term on an 4187
offender under division (B)(9) of this section, the prison term, 4188
subject to divisions (C) to (I) of section 2967.19 of the 4189
Revised Code, shall not be reduced pursuant to section 2929.20, 4190
2967.19, or 2967.193, or any other provision of Chapter 2967. or 4191
5120. of the Revised Code. A court shall not impose more than 4192
one prison term on an offender under division (B)(9) of this 4193
section for felonies committed as part of the same act. 4194

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4195
if a mandatory prison term is imposed upon an offender pursuant 4196
to division (B) (1) (a) of this section for having a firearm on or 4197
about the offender's person or under the offender's control 4198
while committing a felony, if a mandatory prison term is imposed 4199
upon an offender pursuant to division (B) (1) (c) of this section 4200
for committing a felony specified in that division by 4201
discharging a firearm from a motor vehicle, or if both types of 4202
mandatory prison terms are imposed, the offender shall serve any 4203
mandatory prison term imposed under either division 4204
consecutively to any other mandatory prison term imposed under 4205
either division or under division (B) (1) (d) of this section, 4206
consecutively to and prior to any prison term imposed for the 4207
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4208
this section or any other section of the Revised Code, and 4209
consecutively to any other prison term or mandatory prison term 4210
previously or subsequently imposed upon the offender. 4211

(b) If a mandatory prison term is imposed upon an offender 4212
pursuant to division (B) (1) (d) of this section for wearing or 4213
carrying body armor while committing an offense of violence that 4214

is a felony, the offender shall serve the mandatory term so 4215
imposed consecutively to any other mandatory prison term imposed 4216
under that division or under division (B) (1) (a) or (c) of this 4217
section, consecutively to and prior to any prison term imposed 4218
for the underlying felony under division (A), (B) (2), or (B) (3) 4219
of this section or any other section of the Revised Code, and 4220
consecutively to any other prison term or mandatory prison term 4221
previously or subsequently imposed upon the offender. 4222

(c) If a mandatory prison term is imposed upon an offender 4223
pursuant to division (B) (1) (f) of this section, the offender 4224
shall serve the mandatory prison term so imposed consecutively 4225
to and prior to any prison term imposed for the underlying 4226
felony under division (A), (B) (2), or (B) (3) of this section or 4227
any other section of the Revised Code, and consecutively to any 4228
other prison term or mandatory prison term previously or 4229
subsequently imposed upon the offender. 4230

(d) If a mandatory prison term is imposed upon an offender 4231
pursuant to division (B) (7) or (8) of this section, the offender 4232
shall serve the mandatory prison term so imposed consecutively 4233
to any other mandatory prison term imposed under that division 4234
or under any other provision of law and consecutively to any 4235
other prison term or mandatory prison term previously or 4236
subsequently imposed upon the offender. 4237

(e) If a mandatory prison term is imposed upon an offender 4238
pursuant to division (B) (9) of this section, the offender shall 4239
serve the mandatory prison term consecutively to any other 4240
mandatory prison term imposed under that division, consecutively 4241
to and prior to any prison term imposed for the underlying 4242
felony, and consecutively to any other prison term or mandatory 4243
prison term previously or subsequently imposed upon the 4244

offender. 4245

(2) If an offender who is an inmate in a jail, prison, or 4246
other residential detention facility violates section 2917.02, 4247
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 4248
(2) of section 2921.34 of the Revised Code, if an offender who 4249
is under detention at a detention facility commits a felony 4250
violation of section 2923.131 of the Revised Code, or if an 4251
offender who is an inmate in a jail, prison, or other 4252
residential detention facility or is under detention at a 4253
detention facility commits another felony while the offender is 4254
an escapee in violation of division (A) (1) or (2) of section 4255
2921.34 of the Revised Code, any prison term imposed upon the 4256
offender for one of those violations shall be served by the 4257
offender consecutively to the prison term or term of 4258
imprisonment the offender was serving when the offender 4259
committed that offense and to any other prison term previously 4260
or subsequently imposed upon the offender. 4261

(3) If a prison term is imposed for a violation of 4262
division (B) of section 2911.01 of the Revised Code, a violation 4263
of division (A) of section 2913.02 of the Revised Code in which 4264
the stolen property is a firearm or dangerous ordnance, or a 4265
felony violation of division (B) of section 2921.331 of the 4266
Revised Code, the offender shall serve that prison term 4267
consecutively to any other prison term or mandatory prison term 4268
previously or subsequently imposed upon the offender. 4269

(4) If multiple prison terms are imposed on an offender 4270
for convictions of multiple offenses, the court may require the 4271
offender to serve the prison terms consecutively if the court 4272
finds that the consecutive service is necessary to protect the 4273
public from future crime or to punish the offender and that 4274

consecutive sentences are not disproportionate to the 4275
seriousness of the offender's conduct and to the danger the 4276
offender poses to the public, and if the court also finds any of 4277
the following: 4278

(a) The offender committed one or more of the multiple 4279
offenses while the offender was awaiting trial or sentencing, 4280
was under a sanction imposed pursuant to section 2929.16, 4281
2929.17, or 2929.18 of the Revised Code, or was under post- 4282
release control for a prior offense. 4283

(b) At least two of the multiple offenses were committed 4284
as part of one or more courses of conduct, and the harm caused 4285
by two or more of the multiple offenses so committed was so 4286
great or unusual that no single prison term for any of the 4287
offenses committed as part of any of the courses of conduct 4288
adequately reflects the seriousness of the offender's conduct. 4289

(c) The offender's history of criminal conduct 4290
demonstrates that consecutive sentences are necessary to protect 4291
the public from future crime by the offender. 4292

(5) If a mandatory prison term is imposed upon an offender 4293
pursuant to division (B) (5) or (6) of this section, the offender 4294
shall serve the mandatory prison term consecutively to and prior 4295
to any prison term imposed for the underlying violation of 4296
division (A) (1) or (2) of section 2903.06 of the Revised Code 4297
pursuant to division (A) of this section or section 2929.142 of 4298
the Revised Code. If a mandatory prison term is imposed upon an 4299
offender pursuant to division (B) (5) of this section, and if a 4300
mandatory prison term also is imposed upon the offender pursuant 4301
to division (B) (6) of this section in relation to the same 4302
violation, the offender shall serve the mandatory prison term 4303
imposed pursuant to division (B) (5) of this section 4304

consecutively to and prior to the mandatory prison term imposed 4305
pursuant to division (B) (6) of this section and consecutively to 4306
and prior to any prison term imposed for the underlying 4307
violation of division (A) (1) or (2) of section 2903.06 of the 4308
Revised Code pursuant to division (A) of this section or section 4309
2929.142 of the Revised Code. 4310

(6) Any prison term imposed for a violation of section 4311
2903.04 of the Revised Code that is based on a violation of 4312
section 2925.03 or 2925.11 of the Revised Code or on a violation 4313
of section 2925.05 of the Revised Code that is not funding of 4314
marihuana trafficking shall run consecutively to any prison term 4315
imposed for the violation of section 2925.03 or 2925.11 of the 4316
Revised Code or for the violation of section 2925.05 of the 4317
Revised Code that is not funding of marihuana trafficking. 4318

(7) When consecutive prison terms are imposed pursuant to 4319
division (C) (1), (2), (3), (4), ~~or~~ (5), or (6) or division (H) 4320
(1) or (2) of this section, the term to be served is the 4321
aggregate of all of the terms so imposed. 4322

(D) (1) If a court imposes a prison term for a felony of 4323
the first degree, for a felony of the second degree, for a 4324
felony sex offense, or for a felony of the third degree that is 4325
not a felony sex offense and in the commission of which the 4326
offender caused or threatened to cause physical harm to a 4327
person, it shall include in the sentence a requirement that the 4328
offender be subject to a period of post-release control after 4329
the offender's release from imprisonment, in accordance with 4330
that division. If a court imposes a sentence including a prison 4331
term of a type described in this division on or after July 11, 4332
2006, the failure of a court to include a post-release control 4333
requirement in the sentence pursuant to this division does not 4334

negate, limit, or otherwise affect the mandatory period of post- 4335
release control that is required for the offender under division 4336
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 4337
the Revised Code applies if, prior to July 11, 2006, a court 4338
imposed a sentence including a prison term of a type described 4339
in this division and failed to include in the sentence pursuant 4340
to this division a statement regarding post-release control. 4341

(2) If a court imposes a prison term for a felony of the 4342
third, fourth, or fifth degree that is not subject to division 4343
(D)(1) of this section, it shall include in the sentence a 4344
requirement that the offender be subject to a period of post- 4345
release control after the offender's release from imprisonment, 4346
in accordance with that division, if the parole board determines 4347
that a period of post-release control is necessary. Section 4348
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4349
a court imposed a sentence including a prison term of a type 4350
described in this division and failed to include in the sentence 4351
pursuant to this division a statement regarding post-release 4352
control. 4353

(E) The court shall impose sentence upon the offender in 4354
accordance with section 2971.03 of the Revised Code, and Chapter 4355
2971. of the Revised Code applies regarding the prison term or 4356
term of life imprisonment without parole imposed upon the 4357
offender and the service of that term of imprisonment if any of 4358
the following apply: 4359

(1) A person is convicted of or pleads guilty to a violent 4360
sex offense or a designated homicide, assault, or kidnapping 4361
offense, and, in relation to that offense, the offender is 4362
adjudicated a sexually violent predator. 4363

(2) A person is convicted of or pleads guilty to a 4364

violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.

(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.

(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.142 of the Revised Code that charges the offender with having committed the felony while participating in a criminal gang, the court shall impose upon the offender an additional prison term of one, two, or three years.

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony

violation, the court may impose upon the offender an additional 4424
prison term as follows: 4425

(i) Subject to division (H) (2) (a) (ii) of this section, an 4426
additional prison term of one, two, three, four, five, or six 4427
months; 4428

(ii) If the offender previously has been convicted of or 4429
pleaded guilty to one or more felony or misdemeanor violations 4430
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4431
the Revised Code and also was convicted of or pleaded guilty to 4432
a specification of the type described in section 2941.1421 of 4433
the Revised Code regarding one or more of those violations, an 4434
additional prison term of one, two, three, four, five, six, 4435
seven, eight, nine, ten, eleven, or twelve months. 4436

(b) In lieu of imposing an additional prison term under 4437
division (H) (2) (a) of this section, the court may directly 4438
impose on the offender a sanction that requires the offender to 4439
wear a real-time processing, continual tracking electronic 4440
monitoring device during the period of time specified by the 4441
court. The period of time specified by the court shall equal the 4442
duration of an additional prison term that the court could have 4443
imposed upon the offender under division (H) (2) (a) of this 4444
section. A sanction imposed under this division shall commence 4445
on the date specified by the court, provided that the sanction 4446
shall not commence until after the offender has served the 4447
prison term imposed for the felony violation of section 2907.22, 4448
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4449
residential sanction imposed for the violation under section 4450
2929.16 of the Revised Code. A sanction imposed under this 4451
division shall be considered to be a community control sanction 4452
for purposes of section 2929.15 of the Revised Code, and all 4453

provisions of the Revised Code that pertain to community control 4454
sanctions shall apply to a sanction imposed under this division, 4455
except to the extent that they would by their nature be clearly 4456
inapplicable. The offender shall pay all costs associated with a 4457
sanction imposed under this division, including the cost of the 4458
use of the monitoring device. 4459

(I) At the time of sentencing, the court may recommend the 4460
offender for placement in a program of shock incarceration under 4461
section 5120.031 of the Revised Code or for placement in an 4462
intensive program prison under section 5120.032 of the Revised 4463
Code, disapprove placement of the offender in a program of shock 4464
incarceration or an intensive program prison of that nature, or 4465
make no recommendation on placement of the offender. In no case 4466
shall the department of rehabilitation and correction place the 4467
offender in a program or prison of that nature unless the 4468
department determines as specified in section 5120.031 or 4469
5120.032 of the Revised Code, whichever is applicable, that the 4470
offender is eligible for the placement. 4471

If the court disapproves placement of the offender in a 4472
program or prison of that nature, the department of 4473
rehabilitation and correction shall not place the offender in 4474
any program of shock incarceration or intensive program prison. 4475

If the court recommends placement of the offender in a 4476
program of shock incarceration or in an intensive program 4477
prison, and if the offender is subsequently placed in the 4478
recommended program or prison, the department shall notify the 4479
court of the placement and shall include with the notice a brief 4480
description of the placement. 4481

If the court recommends placement of the offender in a 4482
program of shock incarceration or in an intensive program prison 4483

and the department does not subsequently place the offender in 4484
the recommended program or prison, the department shall send a 4485
notice to the court indicating why the offender was not placed 4486
in the recommended program or prison. 4487

If the court does not make a recommendation under this 4488
division with respect to an offender and if the department 4489
determines as specified in section 5120.031 or 5120.032 of the 4490
Revised Code, whichever is applicable, that the offender is 4491
eligible for placement in a program or prison of that nature, 4492
the department shall screen the offender and determine if there 4493
is an available program of shock incarceration or an intensive 4494
program prison for which the offender is suited. If there is an 4495
available program of shock incarceration or an intensive program 4496
prison for which the offender is suited, the department shall 4497
notify the court of the proposed placement of the offender as 4498
specified in section 5120.031 or 5120.032 of the Revised Code 4499
and shall include with the notice a brief description of the 4500
placement. The court shall have ten days from receipt of the 4501
notice to disapprove the placement. 4502

(J) If a person is convicted of or pleads guilty to 4503
aggravated vehicular homicide in violation of division (A) (1) of 4504
section 2903.06 of the Revised Code and division (B) (2) (c) of 4505
that section applies, the person shall be sentenced pursuant to 4506
section 2929.142 of the Revised Code. 4507

(K) (1) The court shall impose an additional mandatory 4508
prison term of two, three, four, five, six, seven, eight, nine, 4509
ten, or eleven years on an offender who is convicted of or 4510
pleads guilty to a violent felony offense if the offender also 4511
is convicted of or pleads guilty to a specification of the type 4512
described in section 2941.1424 of the Revised Code that charges 4513

that the offender is a violent career criminal and had a firearm 4514
on or about the offender's person or under the offender's 4515
control while committing the presently charged violent felony 4516
offense and displayed or brandished the firearm, indicated that 4517
the offender possessed a firearm, or used the firearm to 4518
facilitate the offense. The offender shall serve the prison term 4519
imposed under this division consecutively to and prior to the 4520
prison term imposed for the underlying offense. The prison term 4521
shall not be reduced pursuant to section 2929.20 or 2967.19 or 4522
any other provision of Chapter 2967. or 5120. of the Revised 4523
Code. A court may not impose more than one sentence under 4524
division (B) (2) (a) of this section and this division for acts 4525
committed as part of the same act or transaction. 4526

(2) As used in division (K) (1) of this section, "violent 4527
career criminal" and "violent felony offense" have the same 4528
meanings as in section 2923.132 of the Revised Code. 4529

Sec. 2941.1410. (A) Except as provided in sections 2925.03 4530
and 2925.11 and division (E) (1) of section 2925.05 of the 4531
Revised Code, the determination by a court that an offender is a 4532
major drug offender is precluded unless the indictment, count in 4533
the indictment, or information charging the offender specifies 4534
that the offender is a major drug offender. The specification 4535
shall be stated at the end of the body of the indictment, count, 4536
or information, and shall be stated in substantially the 4537
following form: 4538

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4539
Grand Jurors (or insert the person's or prosecuting attorney's 4540
name when appropriate) further find and specify that (set forth 4541
that the offender is a major drug offender)." 4542

(B) Imposition of a three, four, five, six, seven, or 4543

eight-year mandatory prison term upon an offender under division 4544
(B) (9) of section 2929.14 of the Revised Code, pursuant to 4545
determination by a court that an offender is a major drug 4546
offender, is precluded unless the indictment, count in the 4547
indictment, or information charging the offender with the 4548
violation of section 2925.03, 2925.05, or 2925.11 of the Revised 4549
Code specifies that the offender is a major drug offender and 4550
that the drug involved in the violation is a fentanyl-related 4551
compound or a compound, mixture, preparation, or substance 4552
containing a fentanyl-related compound. The specification shall 4553
be stated at the end of the body of the indictment, count, or 4554
information, and shall be stated in substantially the following 4555
form: 4556

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4557
Grand Jurors (or insert the person's or prosecuting attorney's 4558
name when appropriate) further find and specify that (set forth 4559
that the offender is a major drug offender and the drug involved 4560
in the violation is a fentanyl-related compound or a compound, 4561
mixture, preparation, or substance containing a fentanyl-related 4562
compound)." 4563

(C) The court shall determine the issue of whether an 4564
offender is a major drug offender. 4565

~~(C)~~ (D) As used in this section, "major drug offender" has 4566
the same meaning as in section 2929.01 of the Revised Code. 4567

Sec. 3719.41. Controlled substance schedules I, II, III, 4568
IV, and V are hereby established, which schedules include the 4569
following, subject to amendment pursuant to section 3719.43 or 4570
3719.44 of the Revised Code. 4571

SCHEDULE I 4572

(A) Narcotics-opiates	4573
Any of the following opiates, including their isomers,	4574
esters, ethers, salts, and salts of isomers, esters, and ethers,	4575
unless specifically excepted under federal drug abuse control	4576
laws, whenever the existence of these isomers, esters, ethers,	4577
and salts is possible within the specific chemical designation:	4578
(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-	4579
phenethyl)-4-piperidinyl]-N-phenylacetamide);	4580
(2) Acetylmethadol;	4581
(3) Allylprodine;	4582
(4) Alphacetylmethadol (except levo-alphacetylmethadol,	4583
also known as levo-alpha-acetylmethadol, levomethadyl acetate,	4584
or LAAM);	4585
(5) Alphameprodine;	4586
(6) Alphamethadol;	4587
(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	4588
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-	4589
phenylethyl)-4-(N-propanilido) piperidine);	4590
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	4591
thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	4592
(9) Benzethidine;	4593
(10) Betacetylmethadol;	4594
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	4595
piperidinyl]-N- phenylpropanamide);	4596
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	4597
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	4598

phenylpropanamide);	4599
(13) Betameprodine;	4600
(14) Betamethadol;	4601
(15) Betaprodine;	4602
(16) Clonitazene;	4603
(17) Dextromoramide;	4604
(18) Diampromide;	4605
(19) Diethylthiambutene;	4606
(20) Difenoxin;	4607
(21) Dimenoxadol;	4608
(22) Dimepheptanol;	4609
(23) Dimethylthiambutene;	4610
(24) Dioxaphetyl butyrate;	4611
(25) Dipipanone;	4612
(26) Ethylmethylthiambutene;	4613
(27) Etonitazene;	4614
(28) Etoxeridine;	4615
(29) Furethidine;	4616
(30) Hydroxypethidine;	4617
(31) Ketobemidone;	4618
(32) Levomoramide;	4619
(33) Levophenacylmorphan;	4620

(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	4621 4622
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N- phenylpropanamide);	4623 4624
(36) Morpheridine;	4625
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	4626
(38) Noracymethadol;	4627
(39) Norlevorphanol;	4628
(40) Normethadone;	4629
(41) Norpipanone;	4630
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	4631 4632
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;	4633
(44) Phenadoxone;	4634
(45) Phenampromide;	4635
(46) Phenomorphan;	4636
(47) Phenoperidine;	4637
(48) Piritramide;	4638
(49) Proheptazine;	4639
(50) Properidine;	4640
(51) Propiram;	4641
(52) Racemoramide;	4642
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	4643 4644

- (54) Tilidine; 4645
- (55) Trimeperidine. 4646
- (56) Except as otherwise provided in this section, any 4647
compound that meets all of the following fentanyl pharmacophore 4648
requirements to bind at the mu receptor, as identified by a 4649
report from an established forensic laboratory: 4650
- (a) A chemical scaffold consisting of both of the 4651
following: 4652
- (i) A five, six, or seven member ring structure containing 4653
a nitrogen, whether or not further substituted; 4654
- (ii) An attached nitrogen to the ring, whether or not that 4655
nitrogen is enclosed in a ring structure, including an attached 4656
aromatic ring or other lipophilic group to that nitrogen; 4657
- (b) A polar functional group attached to the chemical 4658
scaffold, including but not limited to, a hydroxyl, ketone, 4659
amide, or ester; 4660
- (c) An alkyl or aryl substitution off the ring nitrogen of 4661
the chemical scaffold; and 4662
- (d) The compound has not been approved for medical use by 4663
the United States food and drug administration. 4664
- (B) Narcotics-opium derivatives 4665
- Any of the following opium derivatives, including their 4666
salts, isomers, and salts of isomers, unless specifically 4667
excepted under federal drug abuse control laws, whenever the 4668
existence of these salts, isomers, and salts of isomers is 4669
possible within the specific chemical designation: 4670
- (1) Acetorphine; 4671

(2) Acetyldihydrocodeine;	4672
(3) Benzylmorphine;	4673
(4) Codeine methylbromide;	4674
(5) Codeine-n-oxide;	4675
(6) Cyprenorphine;	4676
(7) Desomorphine;	4677
(8) Dihydromorphine;	4678
(9) Drotebanol;	4679
(10) Etorphine (except hydrochloride salt);	4680
(11) Heroin;	4681
(12) Hydromorphinol;	4682
(13) Methyldesorphine;	4683
(14) Methyldihydromorphine;	4684
(15) Morphine methylbromide;	4685
(16) Morphine methylsulfonate;	4686
(17) Morphine-n-oxide;	4687
(18) Myrophine;	4688
(19) Nicocodeine;	4689
(20) Nicomorphine;	4690
(21) Normorphine;	4691
(22) Pholcodine;	4692
(23) Thebacon.	4693

(C) Hallucinogens	4694
Any material, compound, mixture, or preparation that	4695
contains any quantity of the following hallucinogenic	4696
substances, including their salts, isomers, and salts of	4697
isomers, unless specifically excepted under federal drug abuse	4698
control laws, whenever the existence of these salts, isomers,	4699
and salts of isomers is possible within the specific chemical	4700
designation. For the purposes of this division only, "isomer"	4701
includes the optical isomers, position isomers, and geometric	4702
isomers.	4703
(1) Alpha-ethyltryptamine (some trade or other names:	4704
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-	4705
aminobutyl) indole; alpha-ET; and AET);	4706
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	4707
names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-	4708
2,5-DMA);	4709
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or	4710
other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	4711
alpha-desmethyl DOB; 2C-B, Nexus);	4712
(4) 2,5-dimethoxyamphetamine (some trade or other names:	4713
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	4714
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other	4715
names: DOET);	4716
(6) 4-methoxyamphetamine (some trade or other names: 4-	4717
methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;	4718
PMA);	4719
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	4720
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or	4721

other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;	4722
"DOM" and "STP");	4723
(9) 3,4-methylenedioxy amphetamine (MDA);	4724
(10) 3,4-methylenedioxymethamphetamine (MDMA);	4725
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as	4726
N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl	4727
MDA, MDE, MDEA);	4728
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known	4729
as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and	4730
N-hydroxy MDA);	4731
(13) 3,4,5-trimethoxy amphetamine;	4732
(14) Bufotenine (some trade or other names: 3-(beta-	4733
dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-	4734
indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-	4735
dimethyltryptamine; mappine);	4736
(15) Diethyltryptamine (some trade or other names: N, N-	4737
diethyltryptamine; DET);	4738
(16) Dimethyltryptamine (some trade or other names: DMT);	4739
(17) Ibogaine (some trade or other names: 7-ethyl-	4740
6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H-	4741
pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	4742
(18) Lysergic acid diethylamide;	4743
(19) Marihuana;	4744
(20) Mescaline;	4745
(21) Parahexyl (some trade or other names: 3-hexyl-1-	4746
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-	4747

- dibenzo[b,d]pyran; synhexyl); 4748
- (22) Peyote (meaning all parts of the plant presently 4749
classified botanically as "Lophophora williamsii Lemaire," 4750
whether growing or not, the seeds of that plant, any extract 4751
from any part of that plant, and every compound, manufacture, 4752
salts, derivative, mixture, or preparation of that plant, its 4753
seeds, or its extracts); 4754
- (23) N-ethyl-3-piperidyl benzilate; 4755
- (24) N-methyl-3-piperidyl benzilate; 4756
- (25) Psilocybin; 4757
- (26) Psilocyn; 4758
- (27) Tetrahydrocannabinols (synthetic equivalents of the 4759
substances contained in the plant, or in the resinous 4760
extractives of Cannabis, sp. and/or synthetic substances, 4761
derivatives, and their isomers with similar chemical structure 4762
and pharmacological activity such as the following: delta-1-cis 4763
or trans tetrahydrocannabinol, and their optical isomers; delta- 4764
6-cis or trans tetrahydrocannabinol, and their optical isomers; 4765
delta-3,4-cis or trans tetrahydrocannabinol, and its optical 4766
isomers. (Since nomenclature of these substances is not 4767
internationally standardized, compounds of these structures, 4768
regardless of numerical designation of atomic positions, are 4769
covered.)); 4770
- (28) Ethylamine analog of phencyclidine (some trade or 4771
other names: N-ethyl-1-phenylcyclohexylamine; (1- 4772
phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; 4773
cyclohexamine; PCE); 4774
- (29) Pyrrolidine analog of phencyclidine (some trade or 4775

other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	4776
(30) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);	4777 4778 4779
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	4780
(32) Hashish;	4781
(33) Salvia divinorum;	4782
(34) Salvinorin A;	4783
(35) (1-pentylindol-3-yl)-(2,2,3,3- tetramethylcyclopropyl)methanone (UR-144);	4784 4785
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	4786
(37) N-adamantyl-1-pentylindole-3-carboxamide;	4787
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	4788
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (methoxetamine);	4789 4790
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	4791
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	4792 4793
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	4794 4795
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3- tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	4796 4797
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3- tetramethylcyclopropyl) methanone (A-796,260);	4798 4799
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-	4800

adamantoyl)indole (AM1248);	4801
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	4802
(47) 5-(2-aminopropyl)benzofuran (5-APB);	4803
(48) 6-(2-aminopropyl)benzofuran (6-APB);	4804
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	4805
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	4806
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	4807
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	4808
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	4809
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	4810
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	4811
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C- T-2);	4812 4813
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	4814 4815
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	4816
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	4817
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C- P);	4818 4819
(61) 4-methoxymethamphetamine (PMMA);	4820
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	4821
(63) 5-iodo-2-aminoindane (5-IAI);	4822
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2- methoxyphenyl)methyl]ethanamine (25I-NBOMe);	4823 4824

(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	4825 4826
(66) Desoxypipradrol (2-benzhydrylpiperidine);	4827
(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical groups:	4828 4829 4830 4831 4832 4833 4834 4835
(a) Naphthoylindoles: any compound containing a 3-(1- naphthoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent or whether or not substituted on the naphthyl group to any extent. Naphthoylindoles include, but are not limited to, 1-[2-(4- morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5- fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1- naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole (JWH-073).	4836 4837 4838 4839 4840 4841 4842 4843 4844 4845 4846 4847 4848 4849
(b) Naphthylmethylindoles: any compound containing a 1H- indol-3-yl-(1-naphthyl)methane structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-	4850 4851 4852 4853 4854

2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3- 4855
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or 4856
not further substituted on the indole ring to any extent or 4857
whether or not substituted on the naphthyl group to any extent. 4858
Naphthylmethylindoles include, but are not limited to, (1- 4859
pentylindol-3-yl)(1-naphthyl)methane (JWH-175). 4860

(c) Naphthoylpyrroles: any compound containing a 3-(1- 4861
naphthoyl)pyrrole structure with or without substitution at the 4862
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 4863
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4864
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4865
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4866
or 2-(4-morpholinyl)ethyl group, whether or not further 4867
substituted on the pyrrole ring to any extent or whether or not 4868
substituted on the naphthyl group to any extent. 4869
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2- 4870
phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 4871

(d) Naphthylmethylindenes: any compound containing a 4872
naphthylmethylideneindene structure with or without substitution 4873
at the 3-position of the indene ring by an alkyl, haloalkyl, 4874
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4875
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4876
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4877
or 2-(4-morpholinyl)ethyl group, whether or not further 4878
substituted on the indene group to any extent or whether or not 4879
substituted on the naphthyl group to any extent. 4880
Naphthylmethylindenes include, but are not limited to, (1-[(3- 4881
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 4882

(e) Phenylacetylindoles: any compound containing a 3- 4883
phenylacetylindole structure with or without substitution at the 4884

nitrogen atom of the indole ring by an alkyl, haloalkyl, 4885
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4886
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4887
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4888
or 2-(4-morpholinyl)ethyl group, whether or not further 4889
substituted on the indole ring to any extent or whether or not 4890
substituted on the phenyl group to any extent. 4891
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 4892
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 4893
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 4894
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 4895

(f) Cyclohexylphenols: any compound containing a 2-(3- 4896
hydroxycyclohexyl)phenol structure with or without substitution 4897
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 4898
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4899
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4900
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 4901
or 2-(4-morpholinyl)ethyl group, whether or not further 4902
substituted on the cyclohexyl group to any extent. 4903
Cyclohexylphenols include, but are not limited to, 5-(1,1- 4904
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 4905
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 4906
[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 4907
cannabicyclohexanol; CP-47,497 C8 homologue). 4908

(g) Benzoylindoles: any compound containing a 3-(1- 4909
benzoyl)indole structure with or without substitution at the 4910
nitrogen atom of the indole ring by an alkyl, haloalkyl, 4911
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 4912
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 4913
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 4914
or 2-(4-morpholinyl)ethyl group, whether or not further 4915

substituted on the indole ring to any extent or whether or not 4916
substituted on the phenyl group to any extent. Benzoylindoles 4917
include, but are not limited to, 1-pentyl-3-(4- 4918
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 4919
methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098). 4920

(D) Depressants 4921

Any material, compound, mixture, or preparation that 4922
contains any quantity of the following substances having a 4923
depressant effect on the central nervous system, including their 4924
salts, isomers, and salts of isomers, unless specifically 4925
excepted under federal drug abuse control laws, whenever the 4926
existence of these salts, isomers, and salts of isomers is 4927
possible within the specific chemical designation: 4928

(1) Mecloqualone; 4929

(2) Methaqualone. 4930

(E) Stimulants 4931

Unless specifically excepted or unless listed in another 4932
schedule, any material, compound, mixture, or preparation that 4933
contains any quantity of the following substances having a 4934
stimulant effect on the central nervous system, including their 4935
salts, isomers, and salts of isomers: 4936

(1) Aminorex (some other names: aminoxaphen; 2-amino-5- 4937
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine); 4938

(2) Fenethylamine; 4939

(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4- 4940
methyl-5-phenyl-2-oxazolamine); 4941

(4) N-ethylamphetamine; 4942

(5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);	4943 4944
(6) N-methyl-1-(thiophen-2-yl) propan-2-amine (Methiopropamine);	4945 4946
(7) Substituted cathinones - any compound except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:	4947 4948 4949 4950 4951 4952
(a) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;	4953 4954 4955 4956
(b) By substitution at the 3-position with an acyclic alkyl substituent;	4957 4958
(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;	4959 4960
(d) By inclusion of the 2-amino nitrogen atom in a cyclic structure.	4961 4962
Examples of substituted cathinones include, but are not limited to, methylone (3,4-methylenedioxy-methcathinone), MDPV (3,4-methylenedioxy-pyrovalerone), mephedrone (4-methylmethcathinone), 4-methoxymethcathinone, 4-fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2-(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1-pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1-phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1-	4963 4964 4965 4966 4967 4968 4969 4970 4971

phenyl-1-propanone), and methcathinone (2-(methylamino)-
propiofenone). 4972
4973

SCHEDULE II 4974

(A) Narcotics-opium and opium derivatives 4975

Unless specifically excepted under federal drug abuse 4976
control laws or unless listed in another schedule, any of the 4977
following substances whether produced directly or indirectly by 4978
extraction from substances of vegetable origin, independently by 4979
means of chemical synthesis, or by a combination of extraction 4980
and chemical synthesis: 4981

(1) Opium and opiate, and any salt, compound, derivative, 4982
or preparation of opium or opiate, excluding apomorphine, 4983
thebaine-derived butorphanol, dextrorphan, nalbuphine, 4984
nalmefene, naloxone, and naltrexone, and their respective salts, 4985
but including the following: 4986

- (a) Raw opium; 4987
- (b) Opium extracts; 4988
- (c) Opium fluid extracts; 4989
- (d) Powdered opium; 4990
- (e) Granulated opium; 4991
- (f) Tincture of opium; 4992
- (g) Codeine; 4993
- (h) Ethylmorphine; 4994
- (i) Etorphine hydrochloride; 4995
- (j) Hydrocodone; 4996

(k) Hydromorphone;	4997
(l) Metopon;	4998
(m) Morphine;	4999
(n) Oxycodone;	5000
(o) Oxymorphone;	5001
(p) Thebaine.	5002
(2) Any salt, compound, derivative, or preparation thereof	5003
that is chemically equivalent to or identical with any of the	5004
substances referred to in division (A) (1) of this schedule,	5005
except that these substances shall not include the isoquinoline	5006
alkaloids of opium;	5007
(3) Opium poppy and poppy straw;	5008
(4) Coca leaves and any salt, compound, derivative, or	5009
preparation of coca leaves (including cocaine and ecgonine,	5010
their salts, isomers, and derivatives, and salts of those	5011
isomers and derivatives), and any salt, compound, derivative, or	5012
preparation thereof that is chemically equivalent to or	5013
identical with any of these substances, except that the	5014
substances shall not include decocainized coca leaves or	5015
extraction of coca leaves, which extractions do not contain	5016
cocaine or ecgonine;	5017
(5) Concentrate of poppy straw (the crude extract of poppy	5018
straw in either liquid, solid, or powder form that contains the	5019
phenanthrene alkaloids of the opium poppy).	5020
(B) Narcotics-opiates	5021
Unless specifically excepted under federal drug abuse	5022
control laws or unless listed in another schedule, any of the	5023

following opiates, including their isomers, esters, ethers,	5024
salts, and salts of isomers, esters, and ethers, whenever the	5025
existence of these isomers, esters, ethers, and salts is	5026
possible within the specific chemical designation, but excluding	5027
dextrophan and levopropoxyphene:	5028
(1) Alfentanil;	5029
(2) Alphaprodine;	5030
(3) Anileridine;	5031
(4) Bezitramide;	5032
(5) Bulk dextropropoxyphene (non-dosage forms);	5033
(6) Carfentanil;	5034
(7) Dihydrocodeine;	5035
(8) Diphenoxylate;	5036
(9) Fentanyl;	5037
(10) Isomethadone;	5038
(11) Levo-alpha-acetylmethadol (some other names: levo-	5039
alpha-acetylmethadol; levomethadyl acetate; LAAM);	5040
(12) Levomethorphan;	5041
(13) Levorphanol;	5042
(14) Metazocine;	5043
(15) Methadone;	5044
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-	5045
diphenyl butane;	5046
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-	5047

diphenylpropane-carboxylic acid;	5048
(18) Pethidine (meperidine);	5049
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;	5050 5051
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	5052 5053
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	5054 5055
(22) Phenazocine;	5056
(23) Piminodine;	5057
(24) Racemethorphan;	5058
(25) Racemorphan;	5059
(26) Remifentanil;	5060
(27) Sufentanil.	5061
(C) Stimulants	5062
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:	5063 5064 5065 5066 5067
(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;	5068 5069
(2) Methamphetamine, its salts, its isomers, and salts of its isomers;	5070 5071
(3) Methylphenidate;	5072

(4) Phenmetrazine and its salts;	5073
(5) <u>Lisdexamfetamine, its salts, isomers, and salts of its isomers.</u>	5074
(D) Depressants	5075
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	5077
(1) Amobarbital;	5078
(2) Gamma-hydroxy-butyrate;	5079
(3) Glutethimide;	5080
(4) Pentobarbital;	5081
(5) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP);	5082
(6) Secobarbital;	5083
(7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:	5084
(a) 1-phenylcyclohexylamine;	5085
(b) (1-phenylcyclohexyl) methylamine;	5086
(c) (1-phenylcyclohexyl) dimethylamine;	5087
(d) (1-phenylcyclohexyl) methylethylamine;	5088

(e) (1-phenylcyclohexyl) isopropylamine;	5099
(f) 1-(1-phenylcyclohexyl) morpholine.	5100
(E) Hallucinogenic substances	5101
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	5102
	5103
	5104
(F) Immediate precursors	5105
Unless specifically excepted under federal drug abuse	5106
control laws or unless listed in another schedule, any material,	5107
compound, mixture, or preparation that contains any quantity of	5108
the following substances:	5109
(1) Immediate precursor to amphetamine and	5110
methamphetamine:	5111
(a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);	5112
	5113
(2) Immediate precursors to phencyclidine (PCP):	5114
(a) 1-phenylcyclohexylamine;	5115
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	5116
SCHEDULE III	5117
(A) Stimulants	5118
Unless specifically excepted under federal drug abuse	5119
control laws or unless listed in another schedule, any material,	5120
compound, mixture, or preparation that contains any quantity of	5121
the following substances having a stimulant effect on the	5122
central nervous system, including their salts, their optical	5123
isomers, position isomers, or geometric isomers, and salts of	5124

these isomers, whenever the existence of these salts, isomers, 5125
and salts of isomers is possible within the specific chemical 5126
designation: 5127

(1) All stimulant compounds, mixtures, and preparations 5128
included in schedule III pursuant to the federal drug abuse 5129
control laws and regulations adopted under those laws; 5130

(2) Benzphetamine; 5131

(3) Chlorphentermine; 5132

(4) Clortermine; 5133

(5) Phendimetrazine. 5134

(B) Depressants 5135

Unless specifically excepted under federal drug abuse 5136
control laws or unless listed in another schedule, any material, 5137
compound, mixture, or preparation that contains any quantity of 5138
the following substances having a depressant effect on the 5139
central nervous system: 5140

(1) Any compound, mixture, or preparation containing 5141
amobarbital, secobarbital, pentobarbital, or any salt of any of 5142
these drugs, and one or more other active medicinal ingredients 5143
that are not listed in any schedule; 5144

(2) Any suppository dosage form containing amobarbital, 5145
secobarbital, pentobarbital, or any salt of any of these drugs 5146
and approved by the food and drug administration for marketing 5147
only as a suppository; 5148

(3) Any substance that contains any quantity of a 5149
derivative of barbituric acid or any salt of a derivative of 5150
barbituric acid; 5151

(4) Chlorhexadol;	5152
(5) Ketamine, its salts, isomers, and salts of isomers	5153
(some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-	5154
(methylamino)-cyclohexanone);	5155
(6) Lysergic acid;	5156
(7) Lysergic acid amide;	5157
(8) Methyprylon;	5158
(9) Sulfondiethylmethane;	5159
(10) Sulfonethylmethane;	5160
(11) Sulfonmethane;	5161
(12) Tiletamine, zolazepam, or any salt of tiletamine or	5162
zolazepam (some trade or other names for a tiletamine-zolazepam	5163
combination product: Telazol); (some trade or other names for	5164
tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some	5165
trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-	5166
dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-	5167
one; flupyrzapon).	5168
(C) Narcotic antidotes	5169
(1) Nalorphine.	5170
(D) Narcotics-narcotic preparations	5171
Unless specifically excepted under federal drug abuse	5172
control laws or unless listed in another schedule, any material,	5173
compound, mixture, or preparation that contains any of the	5174
following narcotic drugs, or their salts calculated as the free	5175
anhydrous base or alkaloid, in limited quantities as set forth	5176
below:	5177

(1) Not more than 1.8 grams of codeine per 100 milliliters	5178
or not more than 90 milligrams per dosage unit, with an equal or	5179
greater quantity of an isoquinoline alkaloid of opium;	5180
(2) Not more than 1.8 grams of codeine per 100 milliliters	5181
or not more than 90 milligrams per dosage unit, with one or more	5182
active, nonnarcotic ingredients in recognized therapeutic	5183
amounts;	5184
(3) Not more than 300 milligrams of dihydrocodeinone per	5185
100 milliliters or not more than 15 milligrams per dosage unit,	5186
with a fourfold or greater quantity of an isoquinoline alkaloid	5187
of opium;	5188
(4) Not more than 300 milligrams of dihydrocodeinone per	5189
100 milliliters or not more than 15 milligrams per dosage unit,	5190
with one or more active, nonnarcotic ingredients in recognized	5191
therapeutic amounts;	5192
(5) Not more than 1.8 grams of dihydrocodeine per 100	5193
milliliters or not more than 90 milligrams per dosage unit, with	5194
one or more active, nonnarcotic ingredients in recognized	5195
therapeutic amounts;	5196
(6) Not more than 300 milligrams of ethylmorphine per 100	5197
milliliters or not more than 15 milligrams per dosage unit, with	5198
one or more active, nonnarcotic ingredients in recognized	5199
therapeutic amounts;	5200
(7) Not more than 500 milligrams of opium per 100	5201
milliliters or per 100 grams or not more than 25 milligrams per	5202
dosage unit, with one or more active, nonnarcotic ingredients in	5203
recognized therapeutic amounts;	5204
(8) Not more than 50 milligrams of morphine per 100	5205
milliliters or per 100 grams, with one or more active,	5206

nonnarcotic ingredients in recognized therapeutic amounts. 5207

(E) Anabolic steroids 5208

Unless specifically excepted under federal drug abuse 5209
control laws or unless listed in another schedule, any material, 5210
compound, mixture, or preparation that contains any quantity of 5211
the following substances, including their salts, esters, 5212
isomers, and salts of esters and isomers, whenever the existence 5213
of these salts, esters, and isomers is possible within the 5214
specific chemical designation: 5215

(1) Anabolic steroids. Except as otherwise provided in 5216
division (E)(1) of schedule III, "anabolic steroids" means any 5217
drug or hormonal substance that is chemically and 5218
pharmacologically related to testosterone (other than estrogens, 5219
progestins, and corticosteroids) and that promotes muscle 5220
growth. "Anabolic steroids" does not include an anabolic steroid 5221
that is expressly intended for administration through implants 5222
to cattle or other nonhuman species and that has been approved 5223
by the United States secretary of health and human services for 5224
that administration, unless a person prescribes, dispenses, or 5225
distributes this type of anabolic steroid for human use. 5226
"Anabolic steroid" includes, but is not limited to, the 5227
following: 5228

(a) Boldenone; 5229

(b) Chlorotestosterone (4-chlortestosterone); 5230

(c) Clostebol; 5231

(d) Dehydrochlormethyltestosterone; 5232

(e) Dihydrotestosterone (4-dihydrotestosterone); 5233

(f) Drostanolone; 5234

(g) Ethylestrenol;	5235
(h) Fluoxymesterone;	5236
(i) Formebolone (formebolone);	5237
(j) Mesterolone;	5238
(k) Methandienone;	5239
(l) Methandranone;	5240
(m) Methandriol;	5241
(n) Methandrostenolone;	5242
(o) Methenolone;	5243
(p) Methyltestosterone;	5244
(q) Mibolerone;	5245
(r) Nandrolone;	5246
(s) Norethandrolone;	5247
(t) Oxandrolone;	5248
(u) Oxymesterone;	5249
(v) Oxymetholone;	5250
(w) Stanolone;	5251
(x) Stanozolol;	5252
(y) Testolactone;	5253
(z) Testosterone;	5254
(aa) Trenbolone;	5255
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in	5256 5257

division (E) (1) of schedule III if the salt, ester, or isomer 5258
promotes muscle growth. 5259

(F) Hallucinogenic substances 5260

(1) Dronabinol (synthetic) in sesame oil and encapsulated 5261
in a soft gelatin capsule in a United States food and drug 5262
administration approved drug product (some other names for 5263
dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl- 5264
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)- 5265
tetrahydrocannabinol). 5266

SCHEDULE IV 5267

(A) Narcotic drugs 5268

Unless specifically excepted by federal drug abuse control 5269
laws or unless listed in another schedule, any material, 5270
compound, mixture, or preparation that contains any of the 5271
following narcotic drugs, or their salts calculated as the free 5272
anhydrous base or alkaloid, in limited quantities as set forth 5273
below: 5274

(1) Not more than one milligram of difenoxin and not less 5275
than 25 micrograms of atropine sulfate per dosage unit; 5276

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2- 5277
diphenyl-3-methyl-2- propionoxybutane) [final dosage forms]. 5278

(B) Depressants 5279

Unless specifically excepted under federal drug abuse 5280
control laws or unless listed in another schedule, any material, 5281
compound, mixture, or preparation that contains any quantity of 5282
the following substances, including their salts, isomers, and 5283
salts of isomers, whenever the existence of these salts, 5284
isomers, and salts of isomers is possible within the specific 5285

chemical designation:	5286
(1) Alprazolam;	5287
(2) Barbital;	5288
(3) Bromazepam;	5289
(4) Camazepam;	5290
(5) Chloral betaine;	5291
(6) Chloral hydrate;	5292
(7) Chlordiazepoxide;	5293
(8) Clobazam;	5294
(9) Clonazepam;	5295
(10) Clorazepate;	5296
(11) Clotiazepam;	5297
(12) Cloxazolam;	5298
(13) Delorazepam;	5299
(14) Diazepam;	5300
(15) Estazolam;	5301
(16) Ethchlorvynol;	5302
(17) Ethinamate;	5303
(18) Ethyl loflazepate;	5304
(19) Fludiazepam;	5305
(20) Flunitrazepam;	5306
(21) Flurazepam;	5307

(22) Halazepam;	5308
(23) Haloxazolam;	5309
(24) Ketazolam;	5310
(25) Loprazolam;	5311
(26) Lorazepam;	5312
(27) Lormetazepam;	5313
(28) Mebutamate;	5314
(29) Medazepam;	5315
(30) Meprobamate;	5316
(31) Methohexital;	5317
(32) Methylphenobarbital (mephobarbital);	5318
(33) Midazolam;	5319
(34) Nimetazepam;	5320
(35) Nitrazepam;	5321
(36) Nordiazepam;	5322
(37) Oxazepam;	5323
(38) Oxazolam;	5324
(39) Paraldehyde;	5325
(40) Petrichloral;	5326
(41) Phenobarbital;	5327
(42) Pinazepam;	5328
(43) Prazepam;	5329

(44) Quazepam;	5330
(45) Temazepam;	5331
(46) Tetrazepam;	5332
(47) Triazolam;	5333
(48) Zaleplon;	5334
(49) Zolpidem.	5335
(C) Fenfluramine	5336
Any material, compound, mixture, or preparation that	5337
contains any quantity of the following substances, including	5338
their salts, their optical isomers, position isomers, or	5339
geometric isomers, and salts of these isomers, whenever the	5340
existence of these salts, isomers, and salts of isomers is	5341
possible within the specific chemical designation:	5342
(1) Fenfluramine.	5343
(D) Stimulants	5344
Unless specifically excepted under federal drug abuse	5345
control laws or unless listed in another schedule, any material,	5346
compound, mixture, or preparation that contains any quantity of	5347
the following substances having a stimulant effect on the	5348
central nervous system, including their salts, their optical	5349
isomers, position isomers, or geometric isomers, and salts of	5350
these isomers, whenever the existence of these salts, isomers,	5351
and salts of isomers is possible within the specific chemical	5352
designation:	5353
(1) Cathine ((+)-norpseudoephedrine);	5354
(2) Diethylpropion;	5355

(3) Fencamfamin;	5356
(4) Fenproporex;	5357
(5) Mazindol;	5358
(6) Mefenorex;	5359
(7) Modafinil;	5360
(8) Pemoline (including organometallic complexes and chelates thereof);	5361 5362
(9) Phentermine;	5363
(10) Pipradrol;	5364
(11) Sibutramine;	5365
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	5366
(E) Other substances	5367
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:	5368 5369 5370 5371
(1) Pentazocine;	5372
(2) Butorphanol (including its optical isomers).	5373
SCHEDULE V	5374
(A) Narcotic drugs	5375
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:	5376 5377 5378 5379

(1) Buprenorphine.	5380
(B) Narcotics-narcotic preparations	5381
Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:	5382 5383 5384 5385 5386 5387 5388 5389
(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;	5390 5391
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;	5392 5393
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;	5394 5395
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	5396 5397
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	5398 5399
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	5400 5401
(C) Stimulants	5402
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant	5403 5404 5405 5406

effect on the central nervous system, including their salts, 5407
isomers, and salts of isomers: 5408

(1) Ephedrine, except as provided in division (K) of 5409
section 3719.44 of the Revised Code; 5410

(2) Pyrovalerone. 5411

Sec. 3719.99. (A) Whoever violates section 3719.16 or 5412
3719.161 of the Revised Code is guilty of a felony of the fifth 5413
degree. If the offender previously has been convicted of a 5414
violation of section 3719.16 or 3719.161 of the Revised Code or 5415
a drug abuse offense, a violation of section 3719.16 or 3719.161 5416
of the Revised Code is a felony of the fourth degree. If the 5417
violation involves the sale, offer to sell, or possession of a 5418
schedule I or II controlled substance, with the exception of 5419
marihuana, and if the offender, as a result of the violation, is 5420
a major drug offender, division (D) of this section applies. 5421

(B) Whoever violates division (C) or (D) of section 5422
3719.172 of the Revised Code is guilty of a felony of the fifth 5423
degree. If the offender previously has been convicted of a 5424
violation of division (C) or (D) of section 3719.172 of the 5425
Revised Code or a drug abuse offense, a violation of division 5426
(C) or (D) of section 3719.172 of the Revised Code is a felony 5427
of the fourth degree. If the violation involves the sale, offer 5428
to sell, or possession of a schedule I or II controlled 5429
substance, with the exception of marihuana, and if the offender, 5430
as a result of the violation, is a major drug offender, division 5431
(D) of this section applies. 5432

(C) Whoever violates section 3719.07 or 3719.08 of the 5433
Revised Code is guilty of a misdemeanor of the first degree. If 5434
the offender previously has been convicted of a violation of 5435

section 3719.07 or 3719.08 of the Revised Code or a drug abuse 5436
offense, a violation of section 3719.07 or 3719.08 of the 5437
Revised Code is a felony of the fifth degree. If the violation 5438
involves the sale, offer to sell, or possession of a schedule I 5439
or II controlled substance, with the exception of marihuana, and 5440
if the offender, as a result of the violation, is a major drug 5441
offender, division (D) of this section applies. 5442

(D) (1) If an offender is convicted of or pleads guilty to 5443
a felony violation of section 3719.07, 3719.08, 3719.16, or 5444
3719.161 or of division (C) or (D) of section 3719.172 of the 5445
Revised Code, if the violation involves the sale, offer to sell, 5446
or possession of a schedule I or II controlled substance, with 5447
the exception of marihuana, and if the court imposing sentence 5448
upon the offender finds that the offender as a result of the 5449
violation is a major drug offender and is guilty of a 5450
specification of the type described in division (A) of section 5451
2941.1410 of the Revised Code, the court, in lieu of the prison 5452
term authorized or required by division (A), (B), or (C) of this 5453
section and sections 2929.13 and 2929.14 of the Revised Code and 5454
in addition to any other sanction imposed for the offense under 5455
sections 2929.11 to 2929.18 of the Revised Code, shall impose 5456
upon the offender, in accordance with division (B) (3) (a) of 5457
section 2929.14 of the Revised Code, the mandatory prison term 5458
specified in that division and may impose an additional prison 5459
term under division (B) (3) (b) of that section. 5460

(2) Notwithstanding any contrary provision of section 5461
3719.21 of the Revised Code, the clerk of the court shall pay 5462
any fine imposed for a felony violation of section 3719.07, 5463
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 5464
section 3719.172 of the Revised Code pursuant to division (A) of 5465
section 2929.18 of the Revised Code in accordance with and 5466

subject to the requirements of division (F) of section 2925.03 5467
of the Revised Code. The agency that receives the fine shall use 5468
the fine as specified in division (F) of section 2925.03 of the 5469
Revised Code. 5470

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 5471
3719.31 or division (B) of section 3719.172 of the Revised Code 5472
is guilty of a misdemeanor of the third degree. If the offender 5473
previously has been convicted of a violation of section 3719.05, 5474
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 5475
of the Revised Code or a drug abuse offense, a violation of 5476
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 5477
section 3719.172 of the Revised Code is a misdemeanor of the 5478
first degree. 5479

(F) Whoever violates section 3719.30 of the Revised Code 5480
is guilty of a misdemeanor of the fourth degree. If the offender 5481
previously has been convicted of a violation of section 3719.30 5482
of the Revised Code or a drug abuse offense, a violation of 5483
section 3719.30 of the Revised Code is a misdemeanor of the 5484
third degree. 5485

(G) Whoever violates section 3719.32 or 3719.33 of the 5486
Revised Code is guilty of a minor misdemeanor. 5487

(H) Whoever violates division (K) (2) (b) of section 3719.44 5488
of the Revised Code is guilty of a felony of the fifth degree. 5489

(I) Whoever violates division (K) (2) (c) of section 3719.44 5490
of the Revised Code is guilty of a misdemeanor of the second 5491
degree. 5492

(J) As used in this section, "major drug offender" has the 5493
same meaning as in section 2929.01 of the Revised Code. 5494

Sec. 4729.99. (A) Whoever violates division (H) of section 5495

4729.16, division (G) of section 4729.38, section 4729.57, or 5496
division (F) of section 4729.96 of the Revised Code is guilty of 5497
a minor misdemeanor, unless a different penalty is otherwise 5498
specified in the Revised Code. Each day's violation constitutes 5499
a separate offense. 5500

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 5501
of the Revised Code is guilty of a misdemeanor of the third 5502
degree. Each day's violation constitutes a separate offense. If 5503
the offender previously has been convicted of or pleaded guilty 5504
to a violation of this chapter, that person is guilty of a 5505
misdemeanor of the second degree. 5506

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 5507
of the Revised Code is guilty of a misdemeanor. 5508

(D) Whoever violates division (A), (B), (C), (D), (F), or 5509
(G) of section 4729.51 of the Revised Code is guilty of a 5510
misdemeanor of the first degree. 5511

(E) (1) Whoever violates section 4729.37, division (E) (1) 5512
(b) of section 4729.51, division (J) of section 4729.54, 5513
division (B) or (D) of section 4729.553, or section 4729.61 of 5514
the Revised Code is guilty of a felony of the fifth degree. If 5515
the offender previously has been convicted of or pleaded guilty 5516
to a violation of this chapter or a violation of Chapter 2925. 5517
or 3719. of the Revised Code, that person is guilty of a felony 5518
of the fourth degree. 5519

(2) If an offender is convicted of or pleads guilty to a 5520
violation of section 4729.37, division (E) of section 4729.51, 5521
division (J) of section 4729.54, or section 4729.61 of the 5522
Revised Code, if the violation involves the sale, offer to sell, 5523
or possession of a schedule I or II controlled substance, with 5524

the exception of marihuana, and if the court imposing sentence 5525
upon the offender finds that the offender as a result of the 5526
violation is a major drug offender, as defined in section 5527
2929.01 of the Revised Code, and is guilty of a specification of 5528
the type described in division (A) of section 2941.1410 of the 5529
Revised Code, the court, in lieu of the prison term authorized 5530
or required by division (E)(1) of this section and sections 5531
2929.13 and 2929.14 of the Revised Code and in addition to any 5532
other sanction imposed for the offense under sections 2929.11 to 5533
2929.18 of the Revised Code, shall impose upon the offender, in 5534
accordance with division (B)(3) of section 2929.14 of the 5535
Revised Code, the mandatory prison term specified in that 5536
division. 5537

(3) Notwithstanding any contrary provision of section 5538
3719.21 of the Revised Code, the clerk of court shall pay any 5539
fine imposed for a violation of section 4729.37, division (E) of 5540
section 4729.51, division (J) of section 4729.54, or section 5541
4729.61 of the Revised Code pursuant to division (A) of section 5542
2929.18 of the Revised Code in accordance with and subject to 5543
the requirements of division (F) of section 2925.03 of the 5544
Revised Code. The agency that receives the fine shall use the 5545
fine as specified in division (F) of section 2925.03 of the 5546
Revised Code. 5547

(F) Whoever violates section 4729.531 of the Revised Code 5548
or any rule adopted thereunder or section 4729.532 of the 5549
Revised Code is guilty of a misdemeanor of the first degree. 5550

(G) Whoever violates division (E)(1)(a) of section 4729.51 5551
of the Revised Code is guilty of a felony of the fourth degree. 5552
If the offender has previously been convicted of or pleaded 5553
guilty to a violation of this chapter, or of a violation of 5554

Chapter 2925. or 3719. of the Revised Code, that person is 5555
guilty of a felony of the third degree. 5556

(H) Whoever violates division (E)(1)(c) of section 4729.51 5557
of the Revised Code is guilty of a misdemeanor of the first 5558
degree. If the offender has previously been convicted of or 5559
pleaded guilty to a violation of this chapter, or of a violation 5560
of Chapter 2925. or 3719. of the Revised Code, that person is 5561
guilty of a felony of the fifth degree. 5562

(I)(1) Whoever violates division (A) of section 4729.95 of 5563
the Revised Code is guilty of unauthorized pharmacy-related drug 5564
conduct. Except as otherwise provided in this section, 5565
unauthorized pharmacy-related drug conduct is a misdemeanor of 5566
the second degree. If the offender previously has been convicted 5567
of or pleaded guilty to a violation of division (A), (B), or (C) 5568
of that section, unauthorized pharmacy-related drug conduct is a 5569
misdemeanor of the first degree on a second offense and a felony 5570
of the fifth degree on a third or subsequent offense. 5571

(2) Whoever violates division (B) or (C) of section 5572
4729.95 of the Revised Code is guilty of permitting unauthorized 5573
pharmacy-related drug conduct. Except as otherwise provided in 5574
this section, permitting unauthorized pharmacy-related drug 5575
conduct is a misdemeanor of the second degree. If the offender 5576
previously has been convicted of or pleaded guilty to a 5577
violation of division (A), (B), or (C) of that section, 5578
permitting unauthorized pharmacy-related drug conduct is a 5579
misdemeanor of the first degree on a second offense and a felony 5580
of the fifth degree on a third or subsequent offense. 5581

(3) Notwithstanding any contrary provision of section 5582
3719.21 of the Revised Code or any other provision of law that 5583
governs the distribution of fines, the clerk of the court shall 5584

pay any fine imposed pursuant to division (I) (1) or (2) of this 5585
section to the state board of pharmacy if the board has adopted 5586
a written internal control policy under division (F) (2) of 5587
section 2925.03 of the Revised Code that addresses fine moneys 5588
that it receives under Chapter 2925. of the Revised Code and if 5589
the policy also addresses fine moneys paid under this division. 5590
The state board of pharmacy shall use the fines so paid in 5591
accordance with the written internal control policy to subsidize 5592
the board's law enforcement efforts that pertain to drug 5593
offenses. 5594

(J) (1) Whoever violates division (A) (1) of section 4729.86 5595
of the Revised Code is guilty of a misdemeanor of the third 5596
degree. If the offender has previously been convicted of or 5597
pleaded guilty to a violation of division (A) (1), (2), or (3) of 5598
section 4729.86 of the Revised Code, that person is guilty of a 5599
misdemeanor of the first degree. 5600

(2) Whoever violates division (A) (2) of section 4729.86 of 5601
the Revised Code is guilty of a misdemeanor of the first degree. 5602
If the offender has previously been convicted of or pleaded 5603
guilty to a violation of division (A) (1), (2), or (3) of section 5604
4729.86 of the Revised Code, that person is guilty of a felony 5605
of the fifth degree. 5606

(3) Whoever violates division (A) (3) of section 4729.86 of 5607
the Revised Code is guilty of a felony of the fifth degree. If 5608
the offender has previously been convicted of or pleaded guilty 5609
to a violation of division (A) (1), (2), or (3) of section 5610
4729.86 of the Revised Code, that person is guilty of a felony 5611
of the fourth degree. 5612

(K) A person who violates division (C) of section 4729.552 5613
of the Revised Code is guilty of a misdemeanor of the first 5614

degree. If the person previously has been convicted of or 5615
pleaded guilty to a violation of division (C) of section 5616
4729.552 of the Revised Code, that person is guilty of a felony 5617
of the fifth degree. 5618

Section 2. That existing sections 2925.01, 2925.02, 5619
2925.03, 2925.04, 2925.05, 2925.11, 2925.13, 2925.36, 2929.01, 5620
2929.13, 2929.14, 2941.1410, 3719.41, 3719.99, and 4729.99 of 5621
the Revised Code are hereby repealed. 5622

Section 3. Section 2925.03 of the Revised Code is 5623
presented in this act as a composite of the section as amended 5624
by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 5625
131st General Assembly. The General Assembly, applying the 5626
principle stated in division (B) of section 1.52 of the Revised 5627
Code that amendments are to be harmonized if reasonably capable 5628
of simultaneous operation, finds that the composite is the 5629
resulting version of the section in effect prior to the 5630
effective date of the section as presented in this act. 5631

Section 2925.11 of the Revised Code is presented in this 5632
act as a composite of the section as amended by Sub. H.B. 110, 5633
H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly. 5634
The General Assembly, applying the principle stated in division 5635
(B) of section 1.52 of the Revised Code that amendments are to 5636
be harmonized if reasonably capable of simultaneous operation, 5637
finds that the composite is the resulting version of the section 5638
in effect prior to the effective date of the section as 5639
presented in this act. 5640

Section 2929.01 of the Revised Code is presented in this 5641
act as a composite of the section as amended by both Sub. H.B. 5642
158 and H.B. 171 of the 131st General Assembly. The General 5643
Assembly, applying the principle stated in division (B) of 5644

section 1.52 of the Revised Code that amendments are to be 5645
harmonized if reasonably capable of simultaneous operation, 5646
finds that the composite is the resulting version of the section 5647
in effect prior to the effective date of the section as 5648
presented in this act. 5649

Section 2929.14 of the Revised Code is presented in this 5650
act as a composite of the section as amended by both Sub. H.B. 5651
470 and Sub. S.B. 319 of the 131st General Assembly. The General 5652
Assembly, applying the principle stated in division (B) of 5653
section 1.52 of the Revised Code that amendments are to be 5654
harmonized if reasonably capable of simultaneous operation, 5655
finds that the composite is the resulting version of the section 5656
in effect prior to the effective date of the section as 5657
presented in this act. 5658

Section 4729.99 of the Revised Code is presented in this 5659
act as a composite of the section as amended by both Sub. H.B. 5660
505 and Sub. S.B. 319 of the 131st General Assembly. The General 5661
Assembly, applying the principle stated in division (B) of 5662
section 1.52 of the Revised Code that amendments are to be 5663
harmonized if reasonably capable of simultaneous operation, 5664
finds that the composite is the resulting version of the section 5665
in effect prior to the effective date of the section as 5666
presented in this act. 5667